Penalty for not registering.

XII. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred Rupees. Any Police Officer may seize and remove to a Police Station such Carriage together with the Horse or Horses drawing the same. If the Carriage so seized be not claimed, and if any fine imposed be not paid, within ten days, such Carriage, together with the Horse or Horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

Plate on Hackney Carriage.

A plate, specifying class and number, to be affixed to Carriage.

XIII. Upon the registration of any Carriage in the Second or Third Class, the Registering Officer shall provide a plate bearing the Class and the number of such Carriage in the Register and the number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such Carriage as shall to the said Registering Officer seem proper.

Penalty for letting Carriage without having proper plate.

XIV. If any Carriage shall be let or used for hire without having a proper plate duly affixed as required by the preceding Section, the owner thereof shall be liable to a penalty not exceeding fifty Rupees.

Owner entitled to have new plate, on loss or obliteration of former one.

XV. Whenever the writing on any plate shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the owner of the Carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three Rupees, as the Registering Officer shall from time to time appoint. Provided that if any plate which shall have been proved, as aforesaid, to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become obliterated, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty Rupees.

Lost plate, if found, to be delivered to Registering Officer.

Penalty on owner for not delivering up plate on expiration of Registration.

XVI. On the expiration or other determination of the registration, the owner of any Carriage registered as aforesaid shall cause the plate of such Carriage to be delivered to the Registering Officer. Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said Officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate, within twelve calendar months after the expiration of the registration in respect of which such plate was affixed.

Penalty for fraudulently using a counterfeit plate.

XVII. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred Rupees; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Drivers' License.

Drivers of Hackney Carriages to be licensed. Particulars thereof.

XVIII. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name, and place of abode, and age, of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof, unless the same shall be sooner revoked. And for each such license a fee of two Rupees shall be paid.

Penalty on driver not having license or lending license.

XIX. If any person shall act as the driver of a Hackney Carriage without having a license in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person, he shall be liable to a penalty not exceeding twenty Rupees, and in default of payment to imprisonment for a period not exceeding one month.

Penalty on owner for suffering unlicensed person to act as driver.

XX. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Carriage registered under this Act of which he shall be the owner, shall be liable to a penalty not exceeding one hundred Rupees for every such offence. Provided that such owner so employing or knowingly suffering to act as driver any person who has not been duly licensed under this Act, shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Certified copies of the particulars of license to be given on payment of fee.

XXI. The particulars of every license which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the Office of the said Registering Officer; and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of two annas.

Drivers' Ticket.

XXII. The Registering Officer shall, at the time of granting a license to any driver of a Hackney Carriage of the Second or Third Class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view. In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten Rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month.

Driver to wear a metal ticket.

XXIII. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted, shall deliver such ticket (if he shall have the same in his possession), and shall produce such license, to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not exceeding one Rupee, as the Registering Officer shall from time to time appoint. Provided, always, that if any ticket, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act, who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence be liable to a penalty not exceeding twenty Rupees.

Driver entitled to have new ticket on loss or obliteration of former one.

XXIV. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said Registering Officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said Officer, and also every person who shall use, or wear, or detain any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person, to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall for every such offence be liable to a penalty of twenty Rupees, and in default of payment to imprisonment for a period not exceeding one month. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within twelve calendar months after the expiration of the license.

Penalty for neglecting to deliver up ticket, lending ticket, &c.

XXV. Every person who shall for the purpo of deception use or wear have any ticket resembli or intended to resemble a ticket granted under the authority of this A shall for every such offence be liable to a penal not exceeding one hundred Rupees. And it sh be lawful for any Police Officer, or any pers employed for that purpose by the Registeri Officer, to seize and take away any such ticket, any ticket used for the purpose of deception aforesaid, wheresoever the same may be four and to deliver the same to the Registering Offic

Penalty for using or having a counterfeit ticket.

XXVI. Whenever any driver shall be su moned to appear before a Magistrate to answer a charge preferred against h under this Act, he sh carry with him his license, and produce the sa if required so to do; and any driver who shall such requisition fail to produce such license, sh for every such offence be liable to a fine n exceeding five Rupees. It shall be lawful for a Magistrate, on conviction of any driver of a offence under this Act, to endorse on such licen the nature of the offence, the date of the convi tion, and the amount of the penalty inflicted.

Conviction to be endorsed on driver's license. Penalty for failing to produce.

XXVII. It shall be lawful for any Magistra before whom any driver sh be convicted of any offenc whether under this Act under any other Act, to revoke the license of su driver, or to suspend the same for such time the Magistrate shall think proper, and for th purpose to require the driver, or any other pers in whose possession such license and the tick thereto belonging shall then be, to deliver up th same: and every driver or other person wh being so required, shall refuse or neglect to deliv up such license and such ticket, or either of them shall be liable to a penalty not exceeding twent Rupees, so often as he shall be so required a refuse or neglect as aforesaid: and the Magistra shall immediately send every license and ever ticket delivered up to him under this Section, the Registering Officer, who shall cancel su license if it has been revoked by the Magistrat or, if it has been suspended, shall, at the end the time for which it shall have been suspende re-deliver such license with the ticket (if it sh have come into the possession of the Registerin Officer) to the person to whom it was granted.

Revocation or suspension of driver's license on his conviction of any offence.

Fares—Hiring—and Plying for hire.

XXVIII. The owner or driver of every Hack ney Carriage registered i the Second or Third Clas shall be entitled to deman and take for the hire of such Carriage the far set forth in the Schedule (A) to this Act annexe Provided, always, that when the owner or driv of any such Hackney Carriage, to be paid a fa calculated according to the distance, shall be r quired by the hirer thereof to stop such Carria for any time or times amounting altogether not less than fifteen minutes, it shall be lawf for the owner or driver to demand and recei from the hirer so requiring him to stop, a furth sum (above the fare to which he shall be entitle calculated according to the distance) of on fourth of the rate for one hour, for every fifte minutes that he shall have been so stopped; a

Fares to be paid for Carriages of the Second and Third Class.

no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged. Provided also that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXIX. The owner of every Hackney Carriage of the Second or Third Class shall put up, and at all times keep distinctly printed, painted, or marked in the English, Oordoo, and Bengalee Languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such Carriage as a Hackney Carriage; and the owner of every such Carriage who shall fail to comply with the provisions of this Section shall, for each offence, be liable, on conviction, to a fine not exceeding ten Rupees.

To what distance and at what rate of speed driver to be bound to drive.

XXX. The driver of every Carriage of the Second or Third Class registered under this Act, shall, (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired. Provided, always, that when any such Carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such Carriage shall be required to drive more than four miles within one hour then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule. Any such driver who shall not drive his Carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten Rupees, or in default to rigorous imprisonment for a period not exceeding one month.

First and Second Class Carriage to carry reasonable quantity of luggage.

XXXI. The driver of every First and Second Class Carriage registered under this Act, shall carry in or upon such Carriage a reasonable quantity of luggage for every person hiring such Carriage, without any additional charge.

Penalty for refusing to let a Carriage for hire.

XXXII. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall without sufficient reason refuse to let such Carriage for hire, shall be liable on conviction to a fine not exceeding fifty Rupees, and to pay such further sum, by way of compensation to the party complaining, as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act. And when any such Hackney Carriage shall be standing on any premises which under this Act may have been declared to be a public Stand, the owner of the said premises shall be deemed to be the person in charge of such Hackney Carriage within the meaning of this Section.

Penalty in case of drunkenness, or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

XXXIII. Every driver of a Hackney Carriage who shall be drunk during his employment, or make use of insulting or abusive language or gesture; or who shall (elsewhere than at some Stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road, or place; or who shall suffer his Carriage to stand for hire across any street, or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage; or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage; or who shall wrongfully prevent or endeavour to prevent the driver of any other Carriage from being hired; or who shall demand or take more than the proper fare to which he is legally entitled; or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers; or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act; or who, being hired by time, shall before he has been discharged by the hirer desert from the hiring; or who shall ply for hire with any Carriage or Horse which shall be at the time unfit for public use—shall be liable to a penalty not exceeding ten Rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month

Penalty on drivers absenting themselves from their employment.

XXXIV. Any driver employed as such by the owner of any Carriage registered under this Act, who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purpose of driving any such Carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding ten Rupees, (which, or any part of which, may by order of the Magistrate be paid to the owner as compensation,) and in default of payment to rigorous imprisonment for a term not exceeding one month.

Proprietors of Carriages may be summoned to appear and produce the drivers.

XXXV. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty Rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him. Provided that, if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring

him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

Penalty for refusing to pay legal fare, and evading payment thereof.

XXXVI. If any person who shall have hired a carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable: and in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act: and if any hirer who shall have used any such carriage, shall attempt to evade payment of his fare, he shall be liable on conviction to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying, &c., table of fares.

XXXVII. Any person who shall maliciously or knowingly tear, destroy, or remove any table of fares which shall have been put up under the provisions of Section XXIX of this Act, shall be liable on conviction to a fine not exceeding twenty Rupees, and any portion of such last mentioned fine may be awarded to the owner of the Hackney Carriage to which such table of fares shall have been affixed.

Penalty for wilful injury to Carriage.

XXXVIII. Any person using a Carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty Rupees and shall also pay, to the owner of the Carriage, compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and may be recovered in the same way as fines are recoverable under this Act.

Disputes how to be settled.

XXXIX. In case of any dispute between the hirer and driver of any Hackney Carriage of the Second or Third Class registered under this Act, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police Officer. Such Police Officer shall thereupon take the driver and hirer, together with the carriage and horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

Table of Distances signed by Registering Officer conclusive.

XL. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said Officer.

Second and Third Class Carriages may ply as Stage Carriages.

XLI. It shall be lawful for any Hackney Carriage of the Second, or of the Third Class, to ply for hire as a Stage Carriage. The owner or driver of a Carriage so plying for hire, or hired as a Stage Carriage, shall not be subject to the provisions of Section XXVIII of this Act; but shall be entitled to demand and take, for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of a Hackney Carriage plying as a Stage Carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

XLII. The Registering Officer shall, from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for Carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Houses, or Stables, or Sheds or other suitable places. Every Public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and Bengalee Languages, that the Stand is a public Stand under this Act.

Palankeens.

Registration for Palankeens.

XLIII. Every Palankeen plying for hire within the Town or Suburbs of Calcutta shall be annually registered by the Officer appointed for registering Hackney Carriages, at the time and in the manner hereinbefore provided with respect to the registration of Hackney Carriages; and upon each registration a fee of eight annas shall be paid: Provided that the Registering Officer may refuse to register any Palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

What Register shall contain.

XLIV. The following particulars shall be entered in the Register, namely, the number of the Palankeen, and the name and residance of the owner; and every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of Hackney Carriages.

Number must be painted on Palankeen.

XLV. The owner of every Registered Palankeen shall cause the Registered number thereof to be painted in English and Bengalee figures on a conspicuous part thereof. The owner of any Palankeen plying for hire without being registered or having the number affixed thereto as aforesaid, shall be liable to a penalty not exceeding ten Rupees. The person in whose name a Palankeen is for the time being registered, shall be deemed the owner thereof for the purposes of this Act.

Penalty in case of neglect to register or omission to have number painted.

Table of fares must be exhibited in Palankeen.

XLVI. The owner of every Palankeen shall put up and at all times keep distinctly painted, painted or marked, in the English, Oordoo, and Bengalee languages, in some distinct

nd in such position as shall be directed by the Registering Officer on the inside of such Palan-keen, the amount of fare, according to distance nd time, which may be legally demanded and aken from the hirer of such Palankeen.

Fares for Palankeens.

XLVII. The owner or person in charge of every Palankeen shall be entitled to demand and ake for the hire of such Palankeen the fares et forth in the Schedule (B) to this Act annexed. Provided that, when the owner or person in harge of any such Palankeen to be paid a fare alculated according to the distance, shall be re-uired by the hirer thereof to stop such Palan-keen for fifteen minutes, or for any longer time, t shall be lawful for the owner or person in harge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled calculated ac-cording to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the Palankeen from the place at which it was discharged: Provided, also, that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Registry of Palankeen bearers, and provisions re-lating to them.

XLVIII. It shall not be lawful for any person to act as the bearer of a registered Palankeen, unless such person shall have obtained a license from the Registering Officer in manner hereinbefore prescribed for drivers of Hackney Carriages; and all the provisions of this Act in any way relating to the taking out, granting, renewing, or pro-ducing the licenses, or to the issuing, granting, wearing, or using tickets granted to drivers of Hackney Carriages, shall be applicable in like manner to the bearers of Palankeens. For every license to act as a Palankeen bearer, granted under this Act, there shall be paid a fee of eight annas.

To what distance and at what rate of speed bearers of Palankeen bound to go.

XLIX. The bearers of every Palankeen re-gistered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such Palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour. Whenever the bearers of such Palankeen shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule (B), for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All and every the provisions of this Act, as to offences committed by or against the owners and drivers of Hackney Carriages, and the penalties in respect of the same, and recovery thereof, and all the remedies by or against hirers, owners, or drivers of Hackney Carriages, and all and several the remedies given to hirers, owners, and drivers of Hackney Carriages, except the provision contained in Section XXXV. shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankeens.

Miscellaneous.

Property left in Carriages or Palankeens to be depo-sited at the Police Office.

L. The driver of every Hackney Carriage and bearers of every Palankeen within the limits of this Act, wherein any property shall be left by any person, shall, within twenty-four hours, carry such pro-perty, if not sooner claimed by the owner thereof, to the nearest Police Station, and shall there de-posit and leave the same with the Inspector or other Officer on duty. And any such driver or bearer making default herein shall be liable to a penalty not exceeding fifty Rupees. And the said Officer with whom any such property shall be deposited, shall forthwith enter, in a book to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove to the satisfaction of the Commis-sioner of Police that the same belonged to him, such person previously paying all expenses incur-red, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award. Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

Adjudication of pen-alties.

LI. All complaints as to offences against this Act shall be heard and deter-mined by a Magistrate with-in whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines con-tained in Section LXI of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta or in any Town or place to which this Act shall be extended as hereinafter provided; and the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, entitled "the Calcutta Police Act 1866," or any other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Disposal of penalties and fees.

All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

LII. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends, not exceeding twenty Rupees, to be paid by the complainant to the person complained against, or to the owner of a Carriage if summoned under Section XXXV of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Amends for frivolous complaints.

LIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say) :—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any Town or place to which this Act shall be extended as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town, or place, the powers vested by this Act in a Magistrate.

"Magistrate."

The words "Hackney Carriage" in this Act shall mean any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof: Provided always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

"Hackney Carriage."

The words "Stage Carriage" in this Act shall mean any Hackney Carriage the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Stage Carriage."

The term "Horse" shall include Mules and Ponies.

"Horse."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender, shall include the feminine.

Gender

LIV. It shall be lawfull for the Lieutenant-Governor of Bengal, by a notification to be published in the Calcutta Gazette, to extend the provisions of this Act to any other Towns or places within the Provinces under his control.

Power to extend the Act.

SCHEDULE (A).—(referred to in Section XXVIII.)

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes.

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
Second Class ...	6 Annas.	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annas.	6 Annas.	2 Rupees.	3 Rupees.
Third Class ...	3 Annas.	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the Fare to be paid according to time.

SCHEDULE (B.)—(Referred to in Section XLVII.)
Rates and Fares to be paid for Palankeens.

Fare by Distance.		Fare by Time.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas.	{After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed} ...	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed the Fare to be paid according to time.

WALKER MARSHALL,
Asst. Secy. to the Govt. of Bengal, Legislative Dept.

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 29th March 1866, and having been assented to by His Excellency the Governor General on the 2nd April 1866, is hereby promulgated for general information:—

ACT No. VI OF 1866.

An Act to amend Act VI of 1863 *passed by the Lieutenant-Governor of Bengal in Council (An Act to vest the property of the Town of Calcutta and the management of its Municipal Affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for levying Rates and Taxes therein.)*

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Certain Sections of Act VI of 1863, repealed.

I. Sections XIX, XXXVIII, XL, XLIV, LIII, LVIII, LIX, LXI, LXIII, LXIV, LXXIV, LXXVII, XCVIII, CXXI, CXLV, CXLVII, CLV, and CLXXXIII, of the said Act VI of 1863, are hereby repealed.

Interpretation of "Bazar."

II. The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

Time for holding Quarterly and Ordinary Meetings.

III. There shall be four Quarterly Meetings in every year, and one Ordinary Meeting in every month, at which the Justices shall meet for the transaction of general business. The Quarterly Meetings shall be held at eleven o'clock in the forenoon of the fifteenth day of the months of January, April, July, and October, and the Ordinary Meetings at the same hour on the eleventh day of every month; and if any such day shall happen to be a holiday allowed by Government, then on the next succeeding day which shall not be such a holiday. Provided that no Ordinary Meeting need be called if there be no business to be laid before it by the Chairman or by any of the Justices.

Business at Ordinary and Quarterly Meetings of Justices.

IV. The Justices shall, at a Special Meeting to be convened for that purpose within fifteen days after this Act comes into operation, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said Ordinary and Quarterly Meetings: and no business save such business, shall be transacted at such Meetings; Provided nevertheless that it shall be lawful for the Chairman to postpone the discussion of any question that may be raised at any such Meeting, and to refer the determination thereof to a Special or Special General Meeting to be convened within fourteen days thereafter.

Owners of carriages, &c., to take out license.

V. The owner of every carriage, horse, pony, or mule kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the Office of the Justices, a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the vehicles and animals specified in such statement, according to the rates

given in Schedule A. to the said Act annexed. Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of a carriage, horse, pony, or mule so kept, shall, within a week of becoming so possessed, send to the Office of the Justices a similar statement, together with the amount payable for the unexpired portion of the then current half-year, calculated, according to the said Schedule, from the first day of the month in which such payment shall be made, unless he shall be able to prove to the satisfaction of the Justices that the tax for the half-year has previously been paid.

Penalty for keeping a carriage, &c., without license.

VI. If the owner of any carriage, horse, pony, or mule so kept as aforesaid, shall not have duly taken out a license under Section XXXIX of the said Act, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the tax which would have been payable for the entire half-year.

Registry and numbering of hackeries.

VII. Every cart, hackery, and other wheeled vehicle without springs, kept and used within the Town, and every cart, hackery, and other such vehicle plying for hire within the Town, or let for hire within or without the Town, and used within it, shall be registered in the Office of the Justices with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Justices shall direct. Any owner or driver of such cart, hackery, or other wheeled vehicle without springs, who shall fail to affix the number of registration as aforesaid, shall be liable to a fine not exceeding five Rupees. Provided that this Section shall not apply to or include carts, hackeries, or other such vehicles as aforesaid, kept at any place more than eight miles distant from Government House, and used only temporarily and casually in the Town, or to Conservancy carts, hackeries, or other such vehicles belonging to the Justices.

Duty on professions, trades, and callings commenced after the beginning of the fiscal year.

VIII. Whereas by Section XLVII of the said Act VI of 1863, persons exercising the professions, trades, and callings specified in Schedule B, are liable to the annual duties therein mentioned: and whereas it is expedient, in cases of persons commencing the exercise of such professions, trades, or callings after the commencement of the fiscal year, to assess them to a proportionate part only of the annual duty; Be it therefore enacted that where any person, after the passing of this Act, shall commence to exercise any of the said professions, trades, or callings after the first day of January in any year, he shall for his license for that year (to be obtained previous to his so commencing such profession, trade, or calling) be liable to pay only such portion of the annual sum mentioned in the said Schedule as shall be proportionate to the unexpired portion of the year, calculated from the first day of the month in which such payment shall be made.

Penalty for not taking out a license for exercising certain trades, &c.

IX. If any person within the Town shall exercise his profession, trade, or calling without having duly taken out a license as required by Section XLVII of the said Act, he shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding three times the amount which, in the judgment of such Justice of the Peace, would have been payable by such person in respect of a license duly taken out as aforesaid for the entire year.

Assessment of lighting rate.

X. Whereas it is expedient to make better provision for the assessment of the rate for lighting the public street: Be it enacted that it shall be lawful for the Justices to assess upon the occupiers of all houses, buildings, tenements, huts, and premises, within the limits of this Act, an annual lighting rate not exceeding two per centum upon the annual rent or value of such premises, together with their appurtenances. And such rate shall be payable quarterly.

Supply of Water.

XI. The Justices shall cause to be laid down in each street, lane, and thoroughfare of the Town or in any division or portion thereof, sufficient mains and pipes for the supply of water in such street, lane, or thoroughfare, and shall also erect in every such street, lane, and thoroughfare sufficient and convenient stand-pipes for the gratuitous use of the rate-payers. The said stand-pipes shall be so placed that there shall not be a greater interval than one hundred yards between any such stand-pipes, and such stand-pipes shall at all times be kept charged with water.

Notification of supply being complete.

XII. When the Justices shall have carried out a system for the supply of water to the Town, or to any division or portion thereof, including such convenient mains and stand-pipes as aforesaid, and such system shall in the judgment of the Justices be complete, the Justices shall, with the sanction of the Lieutenant-Governor of Bengal, declare, by notification published in the Calcutta Gazette, that the supply is complete within the Town or any such division or portion thereof.

Water-rate may be assessed.

XIII. After it has been so notified as aforesaid that the Water-supply in any district has been completed, it shall be lawful for the Justices to assess a rate upon all occupied houses and premises within such district. The said rate shall not exceed four per centum upon the annual value of the said houses and premises, and shall be ascertained and fixed in the manner and payable at the times provided by the said Act VI of 1863, and by this Act.

Householder entitled to supply of water for domestic use.

XIV. Every householder assessed to and paying the Water-rate, shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water from the mains and pipes of the Justices for the domestic use of himself and his household.

Communication pipes, &c., to be made of required dimensions and at expense of householder.

XV. Every person assessed to and paying the Water-rate shall be entitled to lay down communication pipes from the mains and pipes of the Justices, for bringing into his house a proper and sufficient supply of water for domestic purposes. The communication pipes leading the water from the mains and pipes of the Justices into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the said

Justices or their proper officer in that behalf shall fix and approve: and shall be made and constructed at the expense of the person requiring the same.

What are domestic purposes.

XVI. A supply of water for domestic purposes shall not include a supply of water for horses or for washing carriages where such horses or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose.

Supply for business.

XVII. It shall be lawful for the Justices to supply water, at a rate not exceeding one Rupee for every two thousand gallons supplied, for other than domestic purposes, and for trade, manufacturing, business, ornamental, or mechanical purposes, provided the person requiring such supply make application to the Justices in writing specifying the purpose for which such supply is required and the quantity likely to be consumed. And the Justices may thereupon, subject to such charges or rates as may be agreed upon between themselves and the person so requiring such supply, not exceeding the rate aforesaid, lay down, or allow to be laid down, the necessary communication pipes and works, of such dimensions and character as may be agreed upon between the Justices and the person requiring such supply, or, in the absence of such agreement, as may be fixed by the Justices.

Communication pipes, &c., must be made to satisfaction of Surveyor.

XVIII. The communication pipes and works leading water from the mains and pipes of the Justices into any house or premises, must in all cases be executed subject to the inspection and to the satisfaction of the Surveyor or other Officer to be appointed in that behalf by the said Justices. Such communication pipes and works may be made by the servants and workmen of the Justices, upon such terms as may be agreed upon between the Justices and the person requiring the supply, or subject to such charges as may be fixed by the Justices; and it shall be lawful for the Justices to require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same way as the water-rate.

Pressure at which water must be kept.

XIX. The Justices shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which such supply is required; and shall at all times between the hours of five in the forenoon and eight in the afternoon maintain a pressure of water in the pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet, and between the hours of eight in the afternoon and five in the forenoon to a height of not less than ten feet.

Power to enter premises.

XX. The Surveyor, or any other person acting in that behalf under the authority of the Justices may, between the hours of nine in the forenoon and five in the afternoon, enter into any house or premises supplied with water as aforesaid, in order to examine if there be any waste or misuse of such water; and if such surveyor or other person at any such time be refused admittance into such house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Justices may turn off the water from such house or other premises.

Water may be cut off on neglect to pay the rate.

XXI. If any person supplied with water shall neglect to pay the water-rate at any of the times of payment thereof, the Justices may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the Justices may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works or obstructing or diverting water.

XXII. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main, or pipe belonging to or under the management or control of the Justices, or constructed, continued, or maintained under this Act, or shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under their management or control, or from any water or streams by which such water-works are supplied, shall for every such offence, forfeit a sum not exceeding fifty Rupees and a further penalty not exceeding twenty Rupees for each day during which the offence is continued after written notice in that behalf.

Application of rates and monies received from the supply of water.

XXIII. All rates and monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the said Justices in defraying the expense of making and maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith, or for some other purpose connected with the supply of water; and if any surplus should remain thereafter, then the same shall be applied in reduction of the rates assessed for the supply of water.

Assessment may be on owner in certain cases.

XXIV. Where any house or tenement is divided into flats, rooms, or portions in the occupation of different tenants, and also in the case of all houses or tenements the annual value whereof is less than one hundred Rupees, it shall be lawful for the Justices to assess the owner or landlord of such house or tenement, although he does not himself occupy the same, and to recover from him the rates imposed thereon for lighting and water respectively.

Remission of rate on houses and lands in case of vacancy.

XXV. Where any house, building, or land whereon the rate under Section LV of the said Act VI of 1863 is assessed, has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house, building, or land has been vacant as aforesaid, provided notice shall have been given in writing to the Justices of such house, building, or land being vacant: and the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

After revision assessment book to be authenticated by the seal of the Justices.

XXVI. After the appeals specified in Section LXXIII of the said Act VI of 1863 have been disposed of, and after the revision of the valuation or measure-

ment and assessment has been completed, the amendments, if any, made in the book required to be kept by Section LXVIII of the said Act, shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated.

Rate assessed to be deemed the rate for three years.

XXVII. Appeals against any rate assessed or demanded by the Justices under the provisions of this Act shall be heard and determined by not less than three Justices of the Peace. But no such appeal shall be heard unless the amount of the rate has been deposited with the Justices, and unless such appeal be preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the premises to which such appeal refers, or by the occupier thereof, or by their agents.

Hearing Appeals.

XXVIII. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within eight days after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars by the said Act required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

Information of birth to be given within eight days.

XXIX. Any person whose duty it may be to afford the information specified in Section CIV, or to fill in any form under Section CVI, or to act as an enumerator under Section CVII, of the said Act VI of 1863, who shall refuse or neglect so to do, shall be liable to a penalty not exceeding one hundred Rupees. Provided that it shall be the duty of the enumerator to fill up all Schedules or Returns for those who are unable to write.

Penalty for non-observance of the provisions of Sections 104, 106, and 107 of Act VI of 1863.

XXX. The Justices, from time to time, may fix the hours within which only it shall be lawful to remove any night-soil or other offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Justices, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty Rupees for each offence.

Removal of night-soil.

XXXI. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same, and if such notice shall not be complied with within eight days, the Justices shall cause the necessary works to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as by the said Act provided, or in case of abandonment or disputed ownership, by the sale of any material found upon such building or land, and the provisions of Section CXLIV of the said Act shall be applicable to such sales.

Power to shut up, secure, clear, and clean deserted houses.

XXXII. Whoever, being the owner or occupier of any house, building, or land within the Town, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day during which the same is allowed to continue in such state, after the expiration of two days from notice in writing from the Justices to cleanse the same, or after he shall have been convicted of suffering the same to be in such state. Provided that the Justices may, in lieu of enforcing such daily penalty, enter on and clean and clear the said house, building, or land; and the expense incurred by the Justices in respect thereof shall be paid to them by the owner or occupier, and shall be recoverable as by the said Act provided.

Filthy houses.

Proviso.

XXXIII. Whoever, without the written consent of the Justices first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred Rupees, and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and all the expense incurred thereby shall be paid by the person making or altering such branch-drain, and shall be recoverable as by the said Act provided.

Penalty for altering or making unauthorized drains leading into public sewers.

XXXIV. If it appear to the Justices that a group or block of houses or buildings may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed within one hundred feet of any part of such group

Group or block of houses, &c., may be drained by a combined operation.

or block of houses or buildings, it shall be lawful for the Justices to cause such group or block of houses or buildings to be drained and improved by a combined operation; and the expenses incurred by the Justices in respect to such operation, shall be chargeable to the owners of such houses or buildings, in such proportions as shall to the Justices seem fit, and shall, if not forthwith paid by such owners, be recoverable as by the said Act provided.

Proviso to Sections 152, 157, and 159 of Act VI of 1863.

XXXV. Sections CLII, CLVII, and CLIX, of the said Act shall be read subject to the provision that the Justices themselves may construct and lay down such portions of the drains mentioned in the said Sections, as may be carried through or under any public drain, aqueduct, or street, and the expenses incurred by the Justices in respect to such portions, if not forthwith paid by the owner, shall be recoverable as by the said Act provided.

Supervision of works specified in Sections 52, 157, and 159 of Act VI of 1863.

XXXVI. It shall be lawful for the Justices to cause the works mentioned in Sections CLII, CLVII, and CLIX of the said Act to be supervised while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Justices appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Justices may define ways in Bazars. Penalty in case of obstruction.

XXXVII. It shall be lawful for the Justices to define, fix, and determine what portions of any market or bazar within the limits of this Act shall be thrown into and made part of the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways. The Justices may, by notice in writing to be served upon the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works, and take all necessary measures, for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways. And in case the same be not accordingly set out, cleared, and widened at the expiration of the time specified in the said notice, the person so making default shall be liable to a penalty not exceeding twenty Rupees for every day during which such default continues thereafter. And further it shall be lawful for the Justices, in case of such default, by their servants and workmen to enter into and upon the said market or bazar, and to clear, set out, and widen the said approaches, roads, paths, and ways, and to recover from the person by whom the same ought to have been made the expense thereof. The Justices may from time to time vary [illegible] the said approaches, roads, paths, and ways, and [illegible] may require, signify- and if shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day such obstruction or encroachment is continued after notice from the Justices to remove or discontinue the same.

Jute warehouses must be registered.

XXXVIII. The owner or occupier of every warehouse, store, depôt, yard, or other place within the limits of this Act, used for the keeping, screwing, storing or depositing of Jute, or in which Jute is stored or deposited, other than Jute screwed for shipment, shall, within three calendar months after this Act comes into operation, register or cause the same to be registered at the Office of the said Justices in a book to be kept by them for that purpose. And in case of default the person so neglecting or refusing to register the same, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

New Jute warehouses must be licensed.

XXXIX. After the passing of this Act it shall not be lawful to use any warehouse, store, depôt, yard, or other place within the limits of this Act, for the keeping or storing of Jute, other than Jute screwed for shipment, unless, before the same is so used, a license for such use be obtained from the Justices: Provided that this Section shall not apply to warehouses, stores, depôts, yards, or places already used at the time this Act comes into operation for the keeping or storing of such Jute. Provided nevertheless, if any such last-mentioned warehouse, store, depôt, or place shall be burnt down and shall be rebuilt, it shall not be so used for the keeping or storing of Jute, unless such license as aforesaid be previously obtained. Every person who, without such license, shall so use any warehouse, store, depôt, yard, or other place, in cases in which a license ought to be obtained, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day during which any such warehouse, store, depôt, yard, or other place is so used without a license, after a conviction under this Section, or after written notice from the Justices to discontinue such use.

Fire not to be used in places where Jute is stored.

XL. Whoever shall introduce or use in any warehouse, store, depôt, yard, or place in which Jute is deposited or stored, other than only Jute screwed for shipment, any fire, or lucifer matches, or shall smoke therein, shall be liable to a penalty not exceeding fifty Rupees.

Inspector or Superintendent of Police may inspect Jute warehouses.

XLI. It shall be lawful for any Inspector or Superintendent of Police within the limits of this Act, at all convenient times, to enter into any such warehouse, store, depôt, yard, or place in which Jute is stored, and to inspect the same.

Act to be read with Act VI of 1863.

XLII. This Act shall be read with and taken as part of the said Act VI of 1863.

WALKER MARSHALL,

Asst. Secy. to the Govt. of Bengal,

Legislative Department.

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 408.

APPOINTMENTS.—*The 20th March* 1866.—Lieutenant T. M. Philbrick to officiate temporarily as Superintendent of the Dock Yard.

The 26th March 1866.—Baboo Juddoonath Bose, B. A., Deputy Magistrate and Deputy Collector of Chumparun, is transferred temporarily to Tirhoot, and is vested with the powers of a Magistrate in that District.

The 27th March 1866.—Subject to the sanction of the Government of India, Mr. S. DaCosta is appointed temporarily to be Principal Sudder Ameen of Purulia.

Baboo Boistub Churn Doss to officiate as Sudder Ameen of Mymensing and Moonsiff of the Sudder Station of that District, during the absence, on deputation, of Moulvy Ally Newaz, or until further orders.

Mr. F. Grant, Assistant Commissioner, to have charge of the office of Deputy Commissioner of the Western Dooars of Bootan, during the absence, on leave, of Mr. J. Tweedie, or until further orders.

The 28th March 1866.—Mr. V. H. Schalch to be Commissioner of Revenue and Circuit of the Cuttack Division, and Superintendent of the Tributary Mehals, but to officiate as a Member of the Board of Revenue, during the absence, on leave, of Mr. E. T. Trevor, or until further orders.

Mr. S. S. Hogg to be Chairman of the Justices of the Peace for the Town of Calcutta, under Section 7, Act VI. (B. C.) of 1863, and to be Commissioner of Police for the Town and Suburbs of Calcutta. Mr. Hogg is also appointed to be a Magistrate of Police under Act XIII. of 1856, and is vested with powers under Act XXI. of 1864.

Mr. D. J. McNeile to be a Magistrate and Collector of the Second Grade in Burdwan.

Mr. P. Carnegy, Extra Assistant Commissioner, Gówhatty, is vested with the powers of a Magistrate and Sudder Ameen in Assam.

The following gentlemen to be Members of the Local Committee for the management of the Charitable Dispensary at Dinagepore, *viz.*:—

Mr. F. Tucker.
„ W. R. Larminie.
Baboo Khetter Mohun Sing.
„ Gour Mohun Roy.
Moulvy Muzhur Hossain Chowdhry.
„ Mahomed Ally Khan.
Baboo Hur Chunder Bhadoory.
„ Goluck Chunder Sen.
„ Hurreekissen Khashnovees.
„ Hur Chunder Banerjee.
„ Juggo Mohun Newgy.

The following gentlemen to be Members of the Local Committee for the management of the Charitable Dispensary at Berhampore, *viz.*:—

Mr. A. Scott.
Baboo Rajkissen Roy.

The 29th March 1866.—Lieutenant-Colonel J. R. Pughe to be Inspector-General of Police, Lower Provinces.

The 2nd April 1866.—Moulvy Abdool Mujeed, Deputy Magistrate and Deputy Collector of Mr. E. G. Glazier to officiate as Joint-Magistrate and Deputy Collector of Mymensing.

Mr. T. F. W. Smith to officiate as Joint-Magistrate and Deputy Collector of Backergunge.

The 3rd April 1866.—Lieutenant T. M. Philbrick to be First Assistant to the Master Attendant.

Captain G. S. Boon to officiate as Superintendent of the Dock Yard.

Lieutenant H. Sconce to officiate as Agent for Transports.

Captain A. Baker to officiate as Second Assistant to the Master Attendant.

LEAVE OF ABSENCE.—*The 20th March* 1866.—Mr. J. Obbard, Officiating Superintendent of the Dock Yard, for twenty months, under Section 13 of the Military Furlough Regulations dated 17th November 1854.

The 26th March 1866.—Mr. J. B. S. Millie, Assistant Superintendent of Police, Lohardugga, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

The 27th March 1866.—Mr. J. Tweedie, Deputy Commissioner of the Western Dooars of Bootan, for two months, under Section 6 of the Covenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

The 28th March 1866.—Mr. C. D. Field, Officiating Judge of the Principal Court of Small Causes in Jessore, for six weeks, under Section 6 of the Covenanted Service Absentee Rules, from the date on which he may avail himself of the leave, making over charge of the records of the Court to the Head Clerk, Baboo Nobin Chunder Bose.

The 29th March 1866.—Mr. V. T. Taylor, Officiating Joint-Magistrate and Deputy Collector, 24-Pergunnahs, for seven days, preparatory to proceeding to Europe on furlough.

NOTIFICATIONS.—*The 26th March* 1866.—The leave granted to Mr. F. Wilcox, Assistant Superintendent of Police, Darjeeling, under orders of the 18th January last, will have effect from the 11th February instead of from the 1st idem, as notified in the *Calcutta Gazette* of the 24th January 1866.

The Secretary of State for India has intimated the grant to the following Uncovenanted Officers of extensions of leave on Medical Certificate for the periods specified against their respective names, *viz.*:—

Mr. P. Hordern	.. 6 months.
„ T. Weldon	... 6

The following Orders of the Government India in the Foreign Department are re-publish for general information:—

No. 1.

Extract from the Proceedings of the Government India in the Foreign Department. (Secret.) date the 10th March 1866.

READ a Despatch from the Secretary of Sta

ain and Chili is to be observed in all the ports, rbours, roadsteads, and waters of British dia.

ORDERED, that a copy of the above Despatch be sent for information and guidance to the administrations noted on the margin.

overnment of Bombay.
" " Madras.
" " Bengal.
overnor of Straits Settlements.
hief Commissioner, British Burmah.

SECRET.

o. 1.

INDIA OFFICE;
London, 3rd February 1866.

HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA,
&c., &c., &c.

SIR,—I HAVE to inform your Excellency that er Majesty's Government being desirous of serving the strictest neutrality in the contest tween Spain and Chili, propose with the view more effectually maintaining this principle, to terdict the armed ships and privateers of both rties from carrying prizes made by them into e ports, harbours, roadsteads, or waters of Her ajesty's possessions at home and abroad. And I quest, therefore, that you will issue the necessary structions for the guidance of all officers under ur authority, in the event of any such contin- ncy, within your jurisdiction, as is contemplated the above instructions.

I have, &c.,
(Sd.) C. WOOD.

The following Orders issued by the Government India in the Home Department are re-published for information :—

No. 3105.—*The 29th March* 1866.—Mr. G. A. pper, of the Civil Service, is permitted to ceed to Europe on furlough for a period of ee years from the date of embarkation.

No. 3120.—*The 31st March* 1866.—Mr. G. F. ckburn, of the Civil Service, has reported his parture from India per Steamer *Delhi*, which sel was left by the Pilot at Sea on the even- of the 24th instant,

The following Order issued by the Government India in the Foreign Department is re-published for information :—

No. 510.—*The 29th March* 1866.—Mr. C. H. mpbell is appointed to officiate as Agent to the vernor General at Moorshedabad, during the ence, on leave, of Mr. W. B. Buckle.

The following Order issued by the Government India in the Financial Department is re-blished for information :—

No. 1556.—*The 29th March* 1866.—Read the ler-mentioned correspondence on the subject of ising the Tariff valuations of articles liable to *ad valorem* duty, and of maintaining an uni- m Tariff for all India :—

Letter from Government of Bengal, dated 6th ctober 1865, No. [illegible]

Office Memorandum from Home Department dated 21st and 25th September 1865, Nos. 3152 and 3284.

Letter to Governments of Madras and Bombay dated 19th October 1865, No. 2996.

Letter from Government of Bombay, dated 3rd January 1866, No. 17.

Letter from Government of Madras, dated 24th February 1866, No. 511.

RESOLUTION.—The Governor General in Council considers that it will be advisable to institute a thorough revision of the existing Tariffs of valuations, and that the revision should be conducted on a plan which will admit of uniform Tariffs being retained for all India.

For this purpose His Excellency in Council is pleased to direct that a Committee should be formed at Calcutta, consisting, with the approval of the Lieutenant-Governor, of the Collector of Customs, Calcutta, and the Junior Secretary to the Board of Revenue on the part of the Government, and a Member from each Presidency, to represent its respective interests. The Governments of Madras, Bombay, and Bengal should each nominate a Member to serve on the Committee, or to communicate with the Committee in Calcutta.

The points to which attention should be given by this Committee for revision of the Tariffs are—

1st.—The adjustment of a set of valuations applicable to India generally;

2nd.—A new classification and consolidation of the enumerated articles; and

3rd.—The removal to the Free List of petty articles which neither yield, nor are likely to yield, any appreciable revenue.

With regard to the second point, the revised classification lately proposed by Mr. Crawford, the present Collector of Customs, should be considered, and care should be taken in considering the third, that no articles are recommended for transfer to the Free List which are few in number, chiefly because they are articles of luxury, the levy of Customs on which cannot be held to be productive of any hindrance to business.

ORDER.—Ordered, that the foregoing Resolution be communicated to Governments, Bengal, Madras, and Bombay, and be published in the *Gazette of India*.

The following Order issued by the Government of India in the Military Department is re-published for information :—

No. 294.—*The 24th March* 1866.—In continuation of Government General Order No. 734, dated 9th September 1864, His Excellency the Governor General in Council is pleased to direct that the standard and tests for Degrees of Honor and Certificates of High Proficiency in Arabic, Sanskrit, and Persian shall be re-published; that the books herein below mentioned (paragraph III.) shall, until further orders, be the test books in the various languages in which examinations are held under Clause VIII. of the order above refer-

certain doubts which are believed to exist regarding examinations in the Oriental languages, the following additional rules shall be laid down :—

The following is the test for a Degree of Honor.

I.—Construing with readiness and accuracy from the under-mentioned books :—

1. In Arabic	...	1. Hammásah. 2. Taimúr Námah. 3. Maqámt-i Harírí.
2. Sanskrit	...	1. Vírácharita. 2. Kiratarjuniya. 3. Sakuntallah.
3. Persian	...	1. Akhláqi Juláli. 2. Inshá-i Abul-fazl. 3. Sikandar Námah. 4. Diwán-i-Háfiz.

2. Translating into English with accuracy about two octavo pages, one in prose and the other in poetry, selected from some difficult work, not being a test book.

3. Translating a difficult passage from English, with accuracy, elegance, and neatness of expression, and perfect correctness of Spelling and Grammar.

4. Conversing with idiomatic accuracy and fluency.

Examinations for a Degree of Honor will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency. The colloquial test in Sanskrit and in Arabic, except in the Bombay Presidency, may be omitted.

II.—The following is the test for a Certificate of High Proficiency.

1. Construing with readiness and accuracy from the under-mentioned books :—

1. In Arabic	...	1. Ikhwán us Safa. 2. Nafhat-ul Yaman.
2. In Sanskrit	...	1. Hitopodesha. 2. Raghuvansa.
3. In Persian	...	1. Gulistan. 2. Bostan. 3. Anwár-i Soheilí.

2. Translating into English with accuracy a passage of moderate difficulty of about half an octavo page in length, not taken from the test books.

3. Translating accurately and idiomatically, and with accuracy of Grammar, into the language in which the examination is held, an English paper of moderate difficulty.

4. Translating in like manner a paper of English sentences.

III.—The following are the test books in the several languages to be used in examinations held under Clause VIII. of Government General Order No. 734, 9th September 1864. They must be construed with readiness and accuracy :—

1. In Arabic	...	1. Ajab-ul Ajab. 2. Nafhat-ul Yaman (1st part).
2. In Sanskrit	...	Raja Pátha.
3. In Persian	...	1. Iqd-i-Gul. 2. Iqd-i-Manzúm.
4. In Bengali	...	1. Nobonári. 2. Rajdút.
5. In Burmese	...	1. Latter's Selections. 2. Waythan-da-ra.
6. In Assamese	...	Manuscript records in the Vernacular.
7. In Punjabee	...	Geography of the Punjab (Vernacular.) — The Janam Sakhi of Nanuk.
8. In Pushtu	...	1. Tarikh-i-Murassae. 2. Fawaid ush-Sharizah. 3. Kalimah wo Dumnah. 4. The Dewan of Abdal Rahman. 5. The Dewan of Khusal Khan. 6. Yusaf wo Zulaika. — As given in Ravery's gulshan-i-roh.
9. Ooriya	...	1. Hitopodesha. 2. Batris Singhasum.
10. Guzerathi	...	1. Balmitra—Vol. I. 2. Hope's Series—part 7.
11. Mahrathi	...	1. Balmitra—Vol. I. 2. Mooktamala.
12. Canarese	Madras	1. Kuthamanjari. 2. Adachi Sooba Rans Canarese Selections.
	Bombay	1. Æsop's Fables. 2. Selections from McCulloch's Series of Lessons and Moral Class Books.
13. Tamil	...	Kathamanjari.
14. Telugu	...	Telugu Selections, excluding Vemana Verses.
15. Malayalum	...	1. Pathamala—part 1 to page 72 inclusive. 2. Panchatantara, Book I.
16. Sindhi	...	1. Æsop's Fables. 2. Lesu punshu.

IV.—Examinations for Degrees of Honor and Certificates of High Proficiency, and examinations in Arabic, Sanskrit, and Persian, under Rule VIII., will take place only at the Presidency Towns, Examinations by the Higher and Lower Standards [see Rule X.] and in the other languages under Rule VIII. will, ordinarily, be held in the interior, as has hitherto been the practice in P. H. and Interpreters' examinations, except in cases where facilities for the purpose are not available. The examination in Bengali, Guzerathi, Mahrathi, Canarese, Tamil, Telugu, and Malayalum will be conducted in the same manner as examinations by the Higher Standard are directed to be. Examinations in Assamese, Punjabee, Pushtu, Burmese, Ooriya, and Sindhi will be conducted by Standing Committees appointed by the Governments of Madras and Bombay, and, with the sanction of the Government of India, by the Local Governments and Administrations immediately subordinate to it. All proceedings of such Committees are to be submitted through the Boards of Examiners of the respective Presidencies, who, to insure uniformity, will furnish the Committees with the necessary instructions and forms of reports, and will record the results, reporting all successful examinations to the proper department for publication in Government or Army General Orders and local *Gazettes*, as the case may require.

V.—An Officer may present himself for examination in any language under Rule VIII. without passing in Hindustani, either by the Lower or Higher Standard.

VI.—An Officer who has passed the Interpreter's examination in any language may present himself for examination for a Certificate of High Proficiency in that language, without passing an examination by the Higher Standard, or under Rule VIII. but in no other.

For the purposes of this rule, Hindustani in the Bengal Presidency shall include Urdu and Hindee, but in the Madras and Bombay Presidencies only Urdu.

VII.—Any Officer having passed only the colloquial examination or any examination for which he has not received any Munshi allowance, will, on passing by the Lower Standard, be entitled to receive the prescribed allowance of Rupees 180, or, on passing by the Higher Standard, a further allowance of the same amount—both sums may, as heretofore, be passed at a single payment to an Officer passing the Higher Standard in the first instance.

VIII.—Officers who have passed by the standards heretofore known as P. H., Staff, and Adjutant's examinations, or any examination of a lower grade than that of Interpreter, cannot

present themselves for examination for a Certificate of High Proficiency in Hindustani, without having first passed by the Higher Standard; though in other respects all Officers having passed the P. H. examination in the Bengal Presidency, under the old rules, are considered in the same position as those who have passed by the Higher Standard under the new, with the exception that they cannot hold the Interpretership of a British Regiment on the full staff salary of the appointment.

IX.—The orders of the 9th September 1864 supersede all previously existing rules regarding the examination of Military Officers in the Oriental languages.

X.—In future the 1st and 2nd Standard will be known as the Lower and Higher Standard, and will be indicated in the Army List and elsewhere by the letters L. S. and H. S. respectively.

A. EDEN,
Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENTS.

No. 72.

The 29th March 1866.

Notification.—Mr. J. P. Doyle, Executive Engineer, Third Grade, assumed charge* of the Dacca Division on the 16th ultimo, afternoon.

* Notification by the Government of Bengal, Public Works Department, No. 454 of the 29th December 1865.

Sub-Conductor D. McGregor, Sub-Engineer, Third Grade, held temporary charge of the Dacca Division from the 26th January 1866, forenoon, to the above date.

No. 73.

Leave of Absence.—Mr. W. McCullagh, Sub-Engineer, Second Grade, has been allowed two months' leave on private affairs, without pay, by the Right Hon'ble the Secretary of State for India, in addition† to that granted to him by this Government.

† Notification by the Government of Bengal, Public Works Department, No. 279 of the 9th August 1865.

No. 74.

The 2nd April 1866.

Notification.—The following orders issued by the Government of India, Public Works Department, are re-published for information :—

No. 95 of the 29th March 1866.—Mr. T. S. Isaac, Executive Engineer, First Grade, Central Provinces, is transferred to Bengal.

No. 96.—Lieutenant-Colonel C. J. Hodgson, R. E., Superintending Engineer, First Class, First Grade, is transferred from Bengal to the North-Western Provinces.

No. 75.

Appointments.—The following Assistant Engineers, Third Grade, on probation, are permanently appointed Assistant Engineers, Second Grade, from the 21st December 1865, they having passed the prescribed examination on that date :—

Baboo Ramrutton Mozoomdar, Jessore Road Division.

Mr. J. Vernon, (Local Engineer Establishment), Presidency Division.

No. 76.

Transfers.—Mr. H. Beck, Overseer, First Grade, from the Damoodah to the Darjeeling Division.

Baboo Bama Churn Pramanick, Overseer, Second Grade, from the Bhaugulpore and Purneah to the Damoodah Division.

No. 77.

Removal.—The services of Baboo Romanath Chatterjee, Sub-Overseer, Second Class, Third Grade, attached to the Jessore Road Division, were dispensed with from the 28th December 1865.

J. E. T. NICOLLS, *Lieut.-Col., R. E.,*
Offg. Secy. to the Govt. of Bengal,
P. W. D.

HOME DEPARTMENT.

No. 2273.

Fort William, the 9th March 1866.

Notification.—The following notice to Mariners is published for general information :—

NOTICE TO MARINERS.

Doubts having been expressed as to the accuracy of the longitudes assigned to the Andaman Islands on the existing Charts, notice is hereby given that the longitude of Chatham Island, Port Blair, has been recently determined to be 92° 43′ east of Greenwich; whereas in the Chart of the Andaman Islands, which is compiled from the Surveys of Lieutenant Blair and Captain Moorsom in 1789-90, revised by Lieutenant Heathcote in 1853, it is assumed to be 92° 56′. The whole group of Islands is probably thirteen miles west of the position that has hitherto been accepted.

The recent determination of the position of Chatham Island is deduced from 202 observations of lunar zenith distance, and 29 culminations observed by Mr. Nicolson, of the Survey Department, with an Alt-Azimuth Instrument, having a vertical circle 36 inches in diameter. They were reduced in the Office of the Great Trigonometrical Survey of India.

(Sd.) J. T. WALKER, *Lieut.-Col., R. E.,*
Supdt. of Great Trigonometrical Survey.

CALCUTTA,
The 22nd Feb. 1866.

Department Public Works.

NOTICE

Is hereby given that the Tolls on the Buxee and Gyghatty Navigation Channels, between the Roopnarain and the Damoodah Rivers, will be let by public auction on the 20th April 1866, at 11 A. M., at the Government Dâk Bungalow at Ooloobariah, for one year, from 1st May 1866 to 30th April 1867.

Each intending bidder will be required to deposit before the sale commences a sum of Rupees 100, to be returned to him in the event of his bid not having been accepted; the deposit of the highest bidder will be returned on the lodgment of security equal to the amount of first instalment. For further particulars apply to the undersigned.

J. DUNDAS, *Lieut., R. E.,*
Offg. Executive Engineer,
Damoodah Division.

No. 96.

Opium Notification.

NOTICE is hereby given that the Fourth sale of Opium, the provision of 1864-65, will be held at the Exchange Hall on Monday, the 9th April 1866, at 11 A. M., and will comprise 3,330 Chests, *viz.*:—

Behar Opium	...	...	2,000
Benares „	...	...	1,330
Total Chests	...		3,330

2. The general Conditions of the Sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865 and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 14th and 24th April respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Saturday, the 14th April 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Tuesday, the 24th April 1866.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1864-65 will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 11th May 1866	2,000	1,330	3,330
On or about Monday, 11th June „	2,000	1,330	3,330
On or about Monday, 9th July „	2,000	1,330	3,330
On or about Thursday, 9th Aug. „	2,000	1,330	3,330
On or about Monday, 10th Sept. „	2,000	1,330	3,330
On or about Thursday, 4th Oct. „	2,000	1,330	3,330
On or about Friday, 9th Nov. „	2,000	1,330	3,330
On or about Wed., 5th Dec. „	2,000	1,370	3,370
	16,000	10,680	26,680

By Order of the Board of Revenue,

T. BRUCE LANE,
Junior Secretary.

FORT WILLIAM,
The 6th March 1866.

No. 131.

Opium Notification.

NOTICE is hereby given that the Fifth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall on Friday, the 11th May 1866, at 11 A M., and will comprise 3,330 Chests, *viz.*:—

Behar Opium	...		2,000
Benares „	...		1,330
Total Chests	...		3,330

2. The general Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 16th and 26th May, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Wednesday, the 16th May 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 26th May 1866.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1864-65, will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 11th June 1866	2,000	1,330	3,330
On or about Monday, 9th July „	2,000	1,330	3,330
On or about Thursday, 9th August „	2,000	1,330	3,330
On or about Monday, 10th Sept. „	2,000	1,330	3,330
On or about Thursday, 4th Oct. „	2,000	1,330	3,330
On or about Friday, 9th November „	2,000	1,330	3,330
On or about Wednesday, 5th Dec. „	2,000	1,370	3,370
Total ...	14,000	9,310	23,310

By Order of the Board of Revenue, L. P.,

T. BRUCE LANE,
Junior Secretary.

FORT WILLIAM,
The 3rd April 1866.

SALT FOR EXPORTATION.

STATEMENT shewing the Quantity of Salt in store available for exportation on private trade at each of th several Ports of Export in the under-mentioned Districts:—

Names of Districts.	Ports at which Salt is generally available for export on private trade.	Quantity allotted for private exportation in 1866.	Quantity exported on private trade or assigned to applicants up to 15th February 1866.	Quantity remaining in store actually available for export on 16th February 1866.	Remarks.
		Indian Maunds.	Indian Maunds.	Indian Maunds.	
Godavery ...	Coconada ...	50,000	50,000	.....	
Kistna ...	Nizampatam ...	39,766 20	.....	39,766 20	
Nellore ...	Iskapalli ...	1,17,723	.....	1,17,723	Boats available at all times.
	Varim ...	96,606	.....	96,606	Boats easily obtainable.
Madras ...	Madras ...	1,86,315	.....	1,86,315	
	Ennore ...	1,33,907	36,119	97,788	
	Covelong ...	80,000	80,000	.....	
South Arcot ...	Mercanum ...	68,800	41,640	27,160	
	Killay ...	7,800	7,800	.....	
Tanjore ...	Vedaruiem ...	60,000	.....	60,000	
Tinnevelly ...	Vypaur ...	2,06,000	2,06,000	.....	
	Tuticorin ...	1,44,000	1,44,000	.....	
	Total ...	11,90,917 20	5,65,559	6,25,358 20	

N. B.—Salt for export will be supplied by Government at the rate of 15 Rupees per 100 Indian Maunds, which includes charges of shipment, except at the Port of Madras, where the Salt will be delivered on the beach.

Revenue Board Office;
Madras,
The 9th March 1866.

C. G. Master,
Acting Sub-Secretary.

Published for general information.

By Order of the Board of Revenue,

T. Bruce Lane,
Junior Secretary.

Fort William,
The 3rd April 1866.

Notification

Is hereby made that the Deputy Commissioner of the Districts of Assam have been authorised to make grants of the proprietary rights of Government in coal mines upon the following terms:—

1*st.*—The area of a single grant is not to exceed one square mile, or 640 Acres.

2*ndly.*—Every applicant for a grant under this Notification is to specify the spot at which he proposes to commence operations and to undertake not to extend his operations beyond *one thousand yards square*, including that spot, until the boundaries of his grant have been authoritatively settled.

3*rdly.*—The terminal boundaries of each grant will be lines at right angles to the strike of the rocks. The precise situation of these terminal lines will be fixed by the Deputy Commissioner, after the grant has been surveyed, at his absolute discretion, subject only to an appeal to the Commissioner of Assam.

4*thly.*—Until the boundaries of a grant are finally determined, no grant will be made of any mine involving operations within one mile of the spot on which the first grantee has commenced operations.

5*thly.*—The grants will be, for the present, rent-free; but, from the date of the completion of the survey and demarcation of a grant, an annual surface rent of six annas per Acre, and a royalty of one anna for each maund of coal raised (payable annually) will be imposed.

6*thly.*—As soon as an application for a grant is received, it will be advertized in the form hereunto annexed by the Deputy Commissioner for the period of one month; and if within that time any other application is made for the same grant the grant will be offered for sale by public auction, subject to the conditions imposed by this Notification.

7*thly.*—If *bonâ fide* meaning operations are not actually commenced within three years from the date of a grant, or if at any time such operations cease for a period of five years, the grant shall be forfeited, and all right and title of the grantee in it shall absolutely cease and determine.

8*thly.*—Nothing in this Notification shall be considered to limit the right of the Legislature to impose any regulations for the working of coal mines in Assam which it may consider desirable.

Form of Advertisement referred to in Condition 6.

Whereas A. B. has made application to this Office under the Notification of the Government of Bengal, No. , dated published at page of the *Calcutta Gazette* for 1866, for the grant of the tract of land situate within the boundaries hereunto annexed, and estimated to contain Acres, for the purpose of opening a coal mine, Notification is hereby made that unless any other application is received for the same land on or before the*

the grant will be made to the said A. B. upon the terms prescribed in the aforesaid Notification. Should any other application be received before the said date, the grant will be offered to public competition upon the terms set forth on the 6th Condition of the said Notification.

(Sd.) R. B. Chapman,
Secretary.

Board of Revenue,
The 13th February 1866.

* Here enter a date not less than one calendar month from the date of the advertisement.

Notification.

BABOO GOONABHIRAM BOROOAH, Extra Assistant Commissioner, received charge of the Nowgong Treasury on the 2nd instant, and has been authorised to draw Bills on all Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

GOWHATTY,
The 9th March 1866.

Notification.

MR. P. CARNEGY, Extra Assistant Commissioner, received charge of the Kamroop Treasury on the 14th instant, and he is authorised to draw Bills on all Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

GOWHATTY,
The 17th March 1866.

Notification.

BABOO POORNANUND BOROOAH, Extra Assistant Commissioner, has received charge of the Treasury in Gowalparah District, and has been authorised to draw Bills on all Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

GOWHATTY,
The 17th March 1866.

Notification.

MR. G. DALTON, Assistant Commissioner, has been placed in charge of the Maunbhoom Treasury, and is authorised to draw Bills on other Treasuries.

E. T. DALTON,
Commissioner of Chota Nagpore.

CHOTA NAGPORE,
The 10th March 1866.

Ecclesiastical.

THE REVEREND JAMES LAPSLEY, B. A., of Trinity College, Dublin, Minister, and the Reverend Sydney Endle, of Saint Augustine College, Canterbury, Missionary Minister, both of this Diocese, have been appointed by the Lord Bishop Surrogates in this Diocese for granting Episcopal Licences of Marriage.

W. H. ABBOTT,
Registrar and Secretary.

CALCUTTA,
The 3rd April 1866.

Wanted for the Surveyor-General's Office, Lithographic Branch.

A QUALIFIED Press Assistant to help in conducting the printing duties of the Lithographic Press Department, salary Rupees 70. All applications to be sent before the 15th proximo to the address of Lieutenant-Colonel Gastrell, Officiating Deputy Surveyor-General, accompanied with testimonials and references, without which no application will be attended to.

JAMES E. GASTRELL, *Lieut.-Col.,*
Offg. Depy. Survr.-General.

CALCUTTA,
The 28th March 1866.

Notice.

CERTAIN Effects, the property of Mr. Oliver, an East Indian, employed as Second Master in the Government Aided Talligunge Mission School in this District, who died intestate at the Medical College Hospital a few weeks ago, are under the seal of this Court and will be delivered to any party entitled to claim the same.

G. BRIGHT,
Offg. Judge.

ZILLAH 24-PERGHS.;
Judge's Court,
The 20th March 1866.

Notice.

TENDERS will be received by the Officiating Mint Master up to noon on Wednesday, the 4th April next, for the sale of 200 tons of Cake to the Mint. The Cake to be delivered into the Mint and payment to be made after weighment. Tenders to state rate per ton and time of delivery.

J. A. BALLARD,
Officiating Mint-Master.

Preliminary Notice under Act XXII. of 1863.

No. 4D.

FROM HENRY WILLIAM WICKES, ESQ.,
Civil Engineer,
Bromley, Kent, S. E., England,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL, PUBLIC WORKS DEPARTMENT, CALCUTTA.

Dated the 3rd February 1866.

DARJEELING RAILWAY.—KOOSHTEA TO DARJEELING.

SIR,—I HAVE the honor, herewith, in confirmity with Act No. XXII. of 1863, to submit this my preliminary application to the Government of Bengal for a concession to myself upon terms to be mutually agreed upon hereafter for the construction of a line of Railway, commencing at a point opposite Kooshtea on the Ganges, and terminating at the foot of the Hills below Darjeeling, passing from the former place to the West of the River Attree though the Districts of Purneah and Dinagepore, in as direct a course as practicable to the foot of the Sub-Himalayan Hills at a point near the crossing of the Mohanuddee by the new Cart Road, or thereabouts.

I have, &c.,
H. W. WICKES,
Civil Engineer.

Sheriff's Office, the 14th March 1866.

NOTICE is hereby given that the Third Criminal Sessions of the year 1866 of the High Court of Judicature at Fort William in Bengal for the Town of Calcutta and Factory of Fort William and the places subordinate thereto will be holden at the Court House, in the Town Hall of Calcutta, on Monday, the Ninth day of April next, at 10 o'clock in the forenoon, and so on from day to day until the Sessions be over. And it is hereby proclaimed that all persons who will prosecute any prisoner be then and there to prosecute against him.

S. A. APCAR,
Sheriff.

সরিফ আফিস ১৮৬৬ সাল ১৪ মার্চ।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিএম দুর্গের অধীন শহর কলিকাতা ও অন্যান্য স্থানের ফৌজদারী বিচার নিষ্পত্তি জন্য আগামি ৯ আপ্রিল সোমবার বেলা ১০ ঘটিকার সময় এবং যে প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে সন ১৮৬৬ সালে তৃতীয় ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্দ্বারা প্রচার করা যাইতেছে যে যে সকল ব্যক্তি কোন কয়েদির বিরুদ্ধে ফৌজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ও সময়ে হাজির থাকিয়া মোকদ্দমা করে ইতি সন ১৮৬৬ সাল তারিখ ১২ মাচ।

S. A. APCAR,
Sheriff.

Notification.

MR. W. H. VERNER, Assistant Collector, has been put in charge of the Midnapore Treasury, and is authorised to draw Bills on other Treasuries.

C. F. MONTRESOR,
Commissioner.

BURDWAN,
The 12th March 1866.

Notice.

BABOO HURRO CHUNDER GHOSE, Deputy Magistrate and Deputy Collector, received charge of Treasury at Cuttack on the 5th instant, and is authorised to draw Bills on other Treasuries.

T. E. RAVENSHAW,
Offg. Commissioner.

COMMISSIONER'S OFFICE;
Cuttack Division,
The 10th March 1866.

Notification.

BABOO PORESH NATH BANERJEE, Deputy Collector, received charge of the Chittagong Treasury from Mr. W. C. Madge, Deputy Collector, on the 6th March 1866, and he has been empowered to draw Bills on all Public Treasuries.

W. GORDON YOUNG,
Commissioner.

Results of the Meteorological Observations taken at the Surveyor-General's Office, Calcutta, during the Week ending Saturday, 31st March 1866.

Month.	Date.	Reduced Reading of Barometer at 10 A. M.	Thermometer. Highest Reading.	Thermometer. Lowest Reading.	Daily Range of the Temperature.	Mean Temperature for the day.	Wet Bulb. Mean Bulb.	Computed Mean Dew-point.	Mean Degree of humidity for the day.	Prevailing Direction of Wind during the day.	Rain.	Max. Pressure of Wind.
		Inches.	⊖	⊖	⊖	⊖	⊖	⊖			Inches.	lbs.
March ...	25	29·818	96·2	81·0	15·2	86·4	79·6	74·8	0·69	S. & S. W.		
	26	·751	97·4	80·7	16·7	87·4	80·8	76·8	·71	S.		
	27	·811	95·1	79·5	15·6	86·1	76·3	69·4	·59	S.		
	28	·883	93·2	76·0	17·2	84·9	75·0	70·3	·73	S. & variable.	...	7·50
	29	·931	91·6	73·8	17·8	81·9	75·1	70·3	·69	Ditto.	...	5·00
	30	·923	91·0	72·4	18·6	81·0	75·1	71·0	·73	S.	...	0·75
	31	·887	93·0	77·0	16·0	83·7	77·3	72·8	·71	S. W. & E.	...	0·25

The mean Temperature and the mean Wet Bulb are derived from the twenty-four hourly Observations made during the day. The Dew-point is computed with the Greenwhich constants. The figures in column 10 represent the humidity of the air, the complete saturation of which being taken at unity.

		⊖
The extreme variation of Temperature during the past week	...	25·0
The Max. Temperature during the past week	...	97·4
The Max. Temperature during the corresponding period of the past year	...	97·8
The mean humidity during the past week	...	0·69
The mean humidity during the corresponding period of the past year	...	0·59
		Inches.
The total fall of rain during the past week	...	Nil.
The total fall of rain between the 1st January and the 31st ultimo	...	5·65
The total fall of rain during the corresponding period of the past year	...	4·30
Rain indicated by the Gauge attached to the Anemometer during the past week	...	0·03

GOPEENAUTH SEN,
In charge of the Observatory.

The 2nd April 1866.

Notification.

BABOO NOBIN KRISHNA SIRKAR, Deputy Collector of Pubna, has been placed in charge of the Pubna Treasury and authorised to draw Bills on other Treasuries.

C. H. CAMPBELL,
Commissioner.

COMMR.'S OFFICE, R. DN.;
Berhampore,
The 26th March 1866.

Notice.

THE Lease of the limestone beds of Oothmar Poonjee, situated at the eastern base of the Cossyah Hills, and bounded as per margin, will be put up to auction for a term of three years from the 1st of May 1866 to the highest bidder above the upset price of Rupees 130 a year, payable half-yearly in advance.

North—As far as limestone extends within the boundary of Oothmar Poonjee.
South—The southern bank of the Pakhee Churrah Stream.
East—The Peehee Churrah Stream.
West—Bhoobun Churrah Stream.

The sale will take place at the Office of the Deputy Commissioner at Cherra Poonjee on Monday, the 30th April 1866.

W. C. S. CLARKE, *Capt.,*
Offg. Deputy Commr.,
Cossyah and Jynteah Hills.

Notice.

CALCUTTA MUNICIPALITY.

A SPECIAL General Meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall, on Thursday, the 12th of April instant, at 11 o'clock A. M., to determine the allowances of the Chairman of the Justices of the Peace under Section XI. of Act VI. (B. C.) of 1863.

ROBT. TURNBULL,
Secy. to the Justices of the Peace.

CALCUTTA,
The 2nd April 1866.

বিজ্ঞাপন।

কলিকাতা মুনিসিপলটি।

বর্ত্তমান আপ্রিল মাসের ১২ তারিখ বৃহস্পতিবার পূর্ব্বাহ্ণ বেলা ১১ ঘণ্টার সময়ে টৌনহালে কলিকাতা নগরের শান্তিরক্ষার্থ জুষ্টিসদের এক বিশেষ সাধারণ সভা হইবে, সেই সভাতে বঙ্গদেশের ১৮৬৩ সালের ৬ আইনের ১১ ধারামতে শান্তিরক্ষার্থ জুষ্টিসদের সভাপতির বেতন বিষয়ে বিবেচনা করা যাইবে।

আর টর্ণবুল,
শান্তিরক্ষার্থ জুষ্টিসদের সেক্রেটারী।

কলিকাতা ১৮৬৬ সাল
২ আপ্রিল।

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P., DURING THE WEEK ENDING THE 31st MARCH 1866.

Number of Seers of 80 *Tolahs weight retailed for a Rupee.*

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	Cheapest sort. Ordinary price at this Season.	Cheapest sort. Present price.	Dearest sort.	Cheapest sort. Ordinary price at this Season.	Cheapest sort. Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same as last week.													
Lackhimpore ...	12th Mar. 1866	8	10	8	5½	6⅜	6⅜	11⅞	11⅞	5½	5½	...	...
Nowgong ...	19th „	5½	32	8	6½	...	9	15	8	6½	5½	...	...
Rajmehal ...	26th „	10	26	11	7	17	8	30	12	11	9	38	20
Beerbhoom ...	23rd „	11	26½	11½	6⅜	24	13½	21	8¼	15	6	68	25
Hooghly ...	26th „	8	18	12	9½	20	14½	13	9	10	6⅜	19	9
Howrah ...	26th „	10¼	18	12	10	20	15½	11½	9	9	6½	...	...
Manbhoom ...	24th „	9	28	14	6	23	12	13	4	8	4	...	...
Furreedpore ...	26th „	8	20	12	18	26	20	16	13	...	...	...	...
Districts in which all or most articles are dearer.													
Cossyah and Jynteah Hills ...	19th Mar. 1866	8	15	9	...	...	...	...	...	4	4	...	...
Durrung ...	19th „	8	32	9	11	20	12½	20	13	8	5	...	...
Gowalparah ...	19th „	12	20	12½	8	12½	9½	15	12	8	5	...	...
Bhaugulpore ...	25th „	10⅝	24	12½	8⅞	25	13⅞	20	10½	12⅜	8½	41¼	15½
Godda ...	24th „	8	31¼	14	6	20	10	25	12	16	5½	48	14
Hazareebaugh ...	26th „	7	20	11¼	9	21	13	20	9	16	7	27	14
Balasore ...	26th „	7	32	8	7	20	10	16	7½	12	5½	...	...
Cachar ...	18th „	11	26¾	14	8	16	9	12	8	6	5	...	...
Dacca ...	26th „	11	25	13	7	12	7	13	8¾	8¾	5½	...	...
24-Pergunnahs ...	26th „	...	20	11	7½	24	16½	14	8¼	9	6½	...	...
Bograh ...	24th „	12½	30	17	8	17½	15¾	15	15	8	8	60	30
Dinagepore ...	26th „	...	24	19	...	17	14	...	15	...	7	...	...
Districts in which all or most articles are cheaper.													
Seebsaugor ...	12th Mar. 1866	8	32	10	6	15	7	20	8	8	4	...	...
Burdwan ...	25th „	12	21	12¾	8	26½	15½	13¼	9¾	10½	8	...	...
Chittagong ...	19th „	12	17	15	6	16	16	16	11	...	9	...	...
Backergunge ...	17th „	12	21	14	7	26	16	12	8	7½	5	...	...
Gya ...	26th „	10½	30	12	8	18	9	28	12	21	11	36	13½
Chumparun ...	24th „	8	24	11	7	24	8	28	11	17	7	56	15
Patna ...	25th „	12	18½	13	10	26	15	16	13	13	10	26	16
Sarun ...	24th „	7	24	13½	10	21½	15	25	14½	20	11	36	18½
Pubna ...	25th „	12¾	24	14¼	6¾	32	22½	19½	14¼	9¾	8	...	...
Bootan Dooars—Mynagoree ...	21st „	8	20	9½	8	16	16	...	...	...	7	...	...
Districts in which some articles are dearer and some cheaper.													
Kamroop ...	17th Mar. 1866	8	20	16	6	18	16	20	15	8	5	...	...
Darjeeling ...	26th „	5½	...	8⅞	4	...	10	...	...	...	5½	20	13
Monghyr ...	26th „	9	19	10½	7½	23	11	21	12	14	8½	32	13
Pakour ...	23rd „	11	28	13	10	28	12	...	...	16	8	...	...
Bancoorah ...	24th „	11¼	27	12½	7⅝	20	12	16	10⅝	11	8	30	12
Midnapore ...	26th „	8	19	10	11	21	11⅝	13	8	9⅝	6½	...	...
Sylhet ...	16th „	12	55	14	6½	60	20	14	8¼	13	7	...	...
Nuddea ...	26th „	10	30	12	10	32	21	16	10½	10⅝	6½	...	...
Shahabad ...	25th „	7¾	24	12½	8½	24	14	23	10½	18	9	30	18
Tirhoot ...	26th „	7	32	12	11	30	14	28	12	18	10½	45	15
Moorshedabad ...	25th „	10	17	11	8	25	13	16¼	11½	12	7½	22	12½

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,

Secretary.

FORT WILLIAM,
The 2nd April 1866.

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1865, Oct. 13th ...	1 Parcel, [E G] C, [J D] C ...	Charlemagne.
Sept. 21st ...	1 Cask, H N A ...	River Clyde.
1866, Jan. 15th ...	70 Cases, [D A] ...	Onward.
„ 10th ...	1 Box, Dr. J. Ewart ...	Str. Bengal.
„ 15th ...	15 Cases, F A ...	Onward.
„ 16th ..	308 Cases, D. P. and Co. ...	Ditto.
„ 10th ...	1 Case, [S] ...	Clan Alpine.
„ 13th ...	7 Pipes, V ...	Onward.
„ 13th ...	1 Hogshead, V ..	Ditto.
„ 13th ...	5 Hogsheads, P] ..	Ditto.
„ 23rd ...	1 Case, M C ..	Str. Erymanthe.
„ 18th ...	18 Cases, M P [23] P P ...	Arundale Castle.
„ 18th ..	1 Box, [S] ...	Fusi Yama.
„ 9th ...	4 Cases, [S] ...	Star of Denmark.
Feb. 12th ..	1 Teak Sleeper, B B and C ..	Rangoon.
Mar. 22nd ..	2 Casks, G B and Co. ..	Kersonese.
Unknown ..	1 Case, [G S N] ...	Unknown.
1866, Jan. 29th ...	12 Cases, } D N D ...	Walmer Castle.
Feb. 3rd ...	36 Casks, }	
„ 8th ...	4 Packages, [R M L] ...	Ditto.
„ 8th ...	7 Packages, G C D ...	Ditto.
„ 8th ...	2 Crates, G C C ...	Ditto.

Calcutta Customs,
The 3rd April 1866.

J. A. Crawford,
Collector of Customs.

NOTICE.

The undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section LVII. of Act VI. of 1863:—

Date of Landing.	Mark or Address of Packages.	Ships.
1866, April 7th ..	1 Keg, no mark ..	Sir J. Lawrence.
„ 7th ..	1 Parcel, [E V I C] ...	Sumatra.
„ 7th ...	1 Parcel, [H B D C] ...	Ditto.
„ 7th ..	1 Parcel, [S U M] ..	Ditto.
„ 7th ..	1 Parcel, [I R] C and C ..	Ditto.
„ 7th ...	1 Case, [F R] A E ..	Unknown.
„ 7th ...	1 Cask, R and C P ...	Birman
„ 7th ...	1 Bag, no mark ...	Str. Golconda.
„ 7th ...	1 Bag, no mark ...	Ditto.
„ 7th ...	1 Tin Box, Mr. Graff ...	Ditto.
„ 7th ...	4 Cases, [B C] ..	Hotspur.
„ 14th ..	1 Case, (apparently empty) P R S C, Dr. Irving, Allahabad ..	Unknown.
„ 14th ...	2 Barrels, [G] ..	Gondola.
„ 14th ..	6 Baskets Flower Pots, no mark ...	Str. Lightning.
„ 14th ...	1 Case, [16] A. B. and Co. ...	Str. Bengal.
„ 14th ...	1 Parcel, R. J. Amos, Esq., care of W. Judge, Esq., Assam Company's Office, Calcutta ...	Str. Delhi.
„ 14th ..	12 Cases, [I U A C] W. D. and Co. ...	Ditto.
„ 14th ...	1 Package, Copley, Calcutta ..	Ditto.
„ 14th ...	1 Package, C. S. S. Simpson, Esq., Locomotive Superintendent, E. B. Railway ..	Ditto.
„ 14th ...	1 Parcel, R. F. Stack, Esq., Barrister-at-Law ...	Ditto.
„ 14th ...	1 Coil, T S G ...	Str. A. Apcar.
„ 14th ..	1 Parcel, M P G N S ...	Aphrodita.
„ 14th ...	8 Quarter Boxes Gunpowder, [N. V. N. and Sons], Calcutta, J H and S ...	Anglesey.
„ 14th ...	2 Boxes Gunpowder, [27] R. K. and Co. ...	Ditto.
„ 14th ..	123 Cases, [R M C] S G ...	City of Benares.

Calcutta Customs,
The 3rd April 1866.

J. A. Crawford,
Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863 :—

		French Empire.	
1866, April 7th	... J B D, 1 Parcel	... [27] J. D. and Co., 1 Box.	
		Ellenborough.	
1866, April 7th	.. [R H] 1 Case	... [A W F] 1 Case.	
		Hotspur.	
1866, April 7th	.. [B C] 2 Cases.		
		Sea Queen.	
1866, April 14th	... J B D, 1 Parcel.		

CALCUTTA CUSTOMS,
The 3rd April 1866.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the under-mentioned Ships under the provisions of Section LII. of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

		City of Paris.	
1866, May 23rd	...[H] 43 Packages	... L L C, 3 Cases	...[T] G B, 11 Bales.
		Bowfell.	
1866, May 2nd	.. F. W. Driscoll, Esq., 82nd Regiment, Meean Meer, 1 Case.		
		Indian Empire.	
1866, May 25th	...G C D, 15 Packages	... D N D, 7 Casks	...Major Spitsbury, Campbell and Co., 3 Packages.
„ 25th	..[B] J. J. S. and Co., 2 Cases	... [I P] J. J. S. and Co., 1 case	[I Q] 1 Case.
„ 25th	...S D, 5 Packages.		
		Norwester.	
1866, May 24th	...[D D F] 21 Packages	... B R D, Calcutta, 7 Packages.	M and B, 2 Cases.
„ 24th	...[D] 3 Cases	... D and T I W, 1 Case	...D N D, Calcutta, 9 Packages.
„ 24th	...[M. and Co.] 1 Case	... [T. S. and Co.] 1 Case	...[D D A] 1 Case.
		Newcastle.	
1866, April 29th	...R M B, 4 Casks	... [M and B] 1 Package	...D D, 1 Cask.
		Onward.	
1866, May 3rd	.. J M E, 1 Case	... T S K, 2 Cases	...[D A] 8 Cases.
„ 3rd	...[L] 9 Cases	... F A, 4 Cases.	...D. P. and Co., 25 Cases.
„ 3rd	...[P] 3 Casks.		
		Siar of Denmark.	
1866, April 16th	...Captain Biddle, 21st Hussars, Umballa, 5 Packages.	Officers' Mess, 15th Loodianah Sikhs, Colvin, Cowie and Co., 1 Cask.	
		Durham.	
1866, May 11th	...Mr. Rodrick, Begg, Dunlop and Co.	1 Case.	

CALCUTTA CUSTOMS,
The 3rd April 1866.

J. A. CRAWFORD,
Collector of Customs.

Notice of Sale.

It is hereby notified that, in execution of a Decree of the High Court of Judicature, the under-mentioned property (99 years' lease, 23 years expired) belonging to Mr. E. G. Chapman, situate in the District of Darjeeling, will be sold at the Deputy Commissioner's Cutcherry at noon on the 20th day of March 1866.

Location No. 7, (Lease.)

Named Cold Stream.

BOUNDARIES.

Bounded on the West by a ravine which divides it from Captain Bishop's Location, No. 8 of Register; on the East by a ravine which divides it from Lieutenant-Colonel Garsten's Grant, No. 21 of Register, and on the North by railed fence, length from East to West *yards, from South to North 200 yards.

* Distance not stated in original Lease.

A deposit of 25 per cent. on the price will be required to be made at the time of sale by the purchaser, on whose failure to comply with this requirement the property will be forthwith put up and re-sold.

BLAIR REID, *Major*,
Depy. Commissioner.

DEPY. COMMR.'s OFFICE;
Darjeeling,
The 16th February 1866.

The sale of the above Estate is postponed until the 20th April next at noon.

BLAIR REID, *Major*,
Depy. Commissioner.

The 17th March 1866.

Notice.

SALE OF WASTE LANDS.

NOTICE is hereby given that three Lots of Waste Land, estimated to consist of about 6554*a* 2*r*. 32*p*., more or less, situated in Pergunnah Chowtullee Hills, Zillah Sylhet, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight Annas per Acre, on the 2nd July 1866, at the Office of the Collector of Sylhet, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

T. WALTON,
Offg. Collector.

ZILLAH SYLHET;
Collector's Office,
The 7th March 1866.

BOUNDARIES OF LOTS.

No. I. LOT—On the East Banoogatch Hills.

On the West Mouzahs Myzedee, Bagulpore, and Kallapore, of Pergunnah Chowtullee.

On the North Chowtullee Hills.

On the South Mora Sowan Chora, Sunduck Bhanga Road, and Chowtullee Hills. These boundaries contain 2030*a*. 2*r*.

No. 2 LOT.—On the East Pergunnah Chycherry Hills.

On the West Mouzahs Neetasshur, Kodopore, Akberpore, Gansnuggur, and Myzedee, Pergunnah Chowtullee.

On the North Hills of Mouzah Burseejoorah, of Pergunnah Chowallis.

On the South Hills of Pergunnah Chowtullee. These boundaries contain 3029*a*. 2*r*. of lands, of which 97*a*. and 2*r*. of lands are awarded to the Mirasdars for Jhoom cultivation. The remaining 2932*a*. are liable to sale.

No. 3 LOT.—On the East Hills of Banoogatch.

On the West and South Hills of Pergunnah Balleeseerah.

On the North Hills of Pergunnah Chowtullee. These boundaries contain 1592*a*. 32*p*.

T. WALTON,
Offg. Collector.

Notice

Is hereby given that the under-mentioned Lots of Waste Lands, estimated to consist of about 112 Acres, more or less, situated in Doar Choygong, Mouzah Dhalaparah, and bounded as shewn at the foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder above the upset price of two Rupees and eight Annas per Acre, on the 2nd day of July 1866, at the Office of the Deputy Commissioner of Kamroop, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

GOWHATTY,
The 7th March 1866.

Boundaries.

North—by low land.

South—by Joree and Kurdoye (Kamrangah) trees.

East—by Hola and fallow land.

West—by low land.

J. SHERER.
Deputy Commissioner.

ZILLAH KAMROOP;
Revenue Department,
The 7th March 1866.

High Court.

NOTICE

Is hereby given that the sale of the Talooks Zemindaries, and other valuable properties belonging to the Estate of the late Prankissen Biswas deceased, which were advertised for sale on the 21st of March instant by Charles Swinton Hogg Esquire, the Receiver of the High Court, and Receiver appointed in a certain suit wherein Chundernauth Biswas is Plaintiff, and Bissonauth Biswas and others are Defendants, has been postponed by an Order of this Court till Wednesday the fourth of April next, at the hour of one o'clock in the afternoon, when the same will be peremptorily sold at the Office of the said Receiver, No. 5, Strand, Calcutta, by virtue of Orders of the High Court made in a suit wherein Emily Temple is Plaintiff, and the said Chundernauth Biswas is Defendant.

The 23rd March 1866.

Statement of the Affairs of the Bank of Bengal for the Week ending the 27th March 1866.

LIABILITIES.				Rs. As. P.	ASSETS.				Rs. As. P.
Proprietors' Capital, paid-up	...	...	...	2,20,00,000 0 0	Government Securities, Investment No. 1	...	...	...	50,59,337 12 0
Reserve Fund	...	...	...	17,19,524 14 11	Loans on Government Securities at Head Office and Branches	...	...	...	1,58,41,200 0 0
General Treasury Balance at Head Office		Rs.	90,05,666 2 2	1,65,79,616 7 2	Accounts of Credit on ditto	ditto	...	...	16,95,260 14 4
Ditto ditto at Branches		,,	75,73,950 5 0		Mercantile Bills discounted at	ditto	...	...	1,94,37,151 3 5
					Dead Stock	ditto	...	...	6,31,597 13 11
Other Deposits at Head Office and Branches		...	...	1,63,61,378 2 1	Stamps	ditto	...	...	11,300 14 0
Bank Post Bills, &c.	...	...	...	4,01,292 10 2	Balances with other Banks	...	...	...	2,53,439 1 10
Bank Notes Outstanding	...	...	...	1,59,450 0 0	Sundries	...	...	...	4,04,741 5 3
Sundries	...	...	...	11,05,033 15 2					
					Cash and Currency Notes at Head Office	...	...	Rs.	79,21,387 1 8
					Ditto ditto, including Treasury Balance, at Branches	...	...	,,	70,70,729 15 1
									1,49,92,097 0 9
									4,33,34,129 0 9
	Rupees	...	...	5,83,26,226 1 6				Rupees	5,83,26,226 1 6

J. GORDON,
Offg. Chief Accountant and Deputy Secretary.

By Order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

In the High Court of Judicature at Fort William in Bengal.

ORDINARY ORIGINAL CIVIL JURISDICTION.
RECEIVER'S OFFICE.

Aushootosh Day
versus
Rajcoomary Dossee and others.

NOTICE is hereby given that on Tuesday, the 10th day of April 1866, at one o'clock in the afternoon, Charles Swinton Hogg, Esquire, the Receiver of the High Court, will put up at his Office for lease the following Zemindaries, &c., belonging to the Estate of Kistonondo Biswas, deceased, upon such terms and conditions as will be then made known, and upon such security as he may think fit, that is to say,—

In 24-Pergunnahs, within the District of the Magistrate of Baraset—

The following Dhees and Mouzahs of eight annas share of Pergunnah Aunorpore, No. 146, *viz.*:—

Dhee Bissonothpore, Dhee Shohye Bangah, Dhee Balooria, Dhee Kootubsohe, Dhee Kistopore, Dhee Kallikapore, Dhee Pacanda, Dhee Basdebpore, Dhee Bodye, Dhee Chorekhorah, Dhee Baroon, and Dhee Shayrah, and Mouzah Tal Dhathea, Panybarah, Babarry and Bonomallypore, with Katcharry Batties, Hauts, Bazaars, Ghauts, Tanks, Gardens, Shops, Factories, save and except the implements of Muddoomorally Factory, and all other profits and appurtenances to the said eight annas share of the said Dhees and Mouzahs, &c. Debtro resumed permanently-settled Mohul called Kismut Madhubpore, &c., No. 1178, with Katcharry Batties, Hauts, Bazaars, Ghauts, &c., &c., as stated above.

In 24-Pergunnahs, within the District of the Magistrate of 24-Pergunnahs—

The following Turruffs, Mouzah, and Kismut of the eight annas share of Mohul Madrasa, No. 145, *viz.*:—

Turruff Jangrah, Panchoaria, Haultoo, Kodolia, and Hutgachee, Mouzah Bonehoogy, and Kismut Khundah, with Katcharry Batties, Hauts, Bazaars, Tanks, Gardens, Shops, &c., &c., as stated above.

The following Turruffs, Mouzahs, and Kismuts of the eight annas share of the Zemindary, No. 147, Bowatah, known by the name of Sreebauty, in Pergunnah Calcutta, *viz.*:—

Turruffs Byrampore, Mawsool, and Rogoonauthpore, and Mouzah Doorgahatty, and Kismut Khurdoh, with Katcharry Batties, Hauts, Bazaars, &c., &c., as stated above.

The following Turruffs, Mouzahs, and Kismuts of the Zemindaries, No. 169, called Hautiarah, *viz.*:—

Turruff Niz Hautiarah, and Khorumbah, and Mouzah Burra, Phallah, Auharampore, Ghantee, and Bygatchee, &c., and Kismut Sautgachee, Donorut, and Chapra, with Katcharry Batties, Hauts, Bazaars, Sawyers, Ghauts, Tanks, Gardens, Shops, &c., &c., as stated above.

One-fifth of one anna and three pies share of the Zemindary of the late Gocool Chunder Gossain, No. 217, called Kismut Khurdah, with Katcharry Batties, Hauts, Bazaars, &c., &c., as stated above.

Pergunnah Calcutta, Mohal Madrasa, Turruff Hadiah, Mouzah Niz Hadiah, and Mouzah Kayodoha, Pergunnah Calcutta, Mehal Sreebautty, Mouzah Coomar Pookeerreah.

For further particulars apply at the Receiver's Office.

RECEIVER'S OFFICE;
Calcutta, No. 5, Strand,
The 16th March 1866.

To be peremptorily sold, pursuant to a Decree of the High Court of Judicature at Fort William in Bengal in its Ordinary Original Civil Jurisdiction, made in a cause wherein Gopaul Chunder Seal is Plaintiff, and Juggobundoo Chatterjee is Defendant, on and bearing date the 25th day of January 1865, by the Officiating Registrar of the said Court in its Original Jurisdiction at the Town Hall, on the 14th day of April 1866, at the hour of 2 o'clock in the afternoon, the following property, that is to say :—

All that premises No. 12, Raja Kaleekissen Street, at Sootanooty, in the Town of Calcutta, containing about five and a half cottahs of land, bounded on the North by a Government drain, which is on the South of the house of Ramcomul Bhuttacharjee, and on the West by a Government drain, which is on the West of Buddinauth Doss's house; on the South by the house of Peary Byragee, and on the West by the land of Gungaram Nundy Sabargy.

For further particulars and Conditions of sale apply at the Office of Messrs. Hatch and Stewart, Solicitors for the Plaintiff.

C. T. Davis,
Offg. Registrar.

High Court;
Calcutta,
The 6th March 1866.

Hatch and Stewart,
Attorneys.

To be sold, pursuant to a decree of the High Court of Judicature at Fort William in Bengal in its Ordinary Original Civil Jurisdiction, made in a cause wherein Ramchand Seal is Plaintiff, and J. Carrau is Defendant, on and bearing date the 23rd day of September 1864, by the Officiating Registrar of the said Court in its Original Jurisdiction, at the Town Hall, on an early day, the following property, that is to say :—

All that lower-roomed messuage, tenement, or dwelling-house, together with the piece or parcel of land or ground on part whereof the same is erected and built, containing by estimation 16 cottahs, be the same a little more or less, situate, lying, and being in Goriah Meahtollah Lane, in the Town of Calcutta, and numbered 10, and bounded on the North partly by the house and premises now or lately belonging to Mr. Turner; on the East by the public Lane or Street called Goriah Meah Lane; on the West by a piece or parcel of a tenanted land or ground the property of Mr. Bartan, and on the South by a house and premises late property of Mr. Bael, but now belonging to Mr. Richard Cohura.

For further particulars apply at the Office of Messrs. Swinhoe, Law and Co., Solicitors for the Plaintiff.

C. T. Davis,
Offg. Registrar.

Calcutta;
High Court,
The 19th March 1866.

Swinhoe, Law and Co.,
Plaintiff's Attorneys.

Sheriff's Sale; Calcutta, 29th March 1866.

Notice is hereby given that on Thursday, the twenty-sixth day of April next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale, at the premises lately known as Insolvent Court premises, by virtue of a Writ of *Fieri Facias* in his hands against the Effects of Woodhubnauth Roy Sircar.

The Right, Title, and Interest of the said Woodhubnauth Roy Sircar, of, and in the Mouzah Pacooriah, in Pergunnah Baliah, and in the Zillah of Hooghly.

The Conditions of sale may be known by applying at the Sheriff's Office.

S. A. Apcar,
Sheriff.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Narain Doss, of Burra Bazaar, in Calcutta, Cloth Dealer, lately carrying on business at Burra Bazaar, in Calcutta, in the name of Narain Doss, Omrow Sing, and at Rowaree, in Zillah Goorgow, at Agra, Gazeepore, and Benares, in the Upper Provinces, in the name of Man Sing, Narain Doss, an Insolvent.

On Friday, the 23rd day of March instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

Fenn, *Attorney.*

In the matter of Woomachurn Mookerjee, of Simlah, in Calcutta, late a Godown Sircar in the service of Messrs. Wiseman, Snead and Co., of Calcutta, Merchants, an Insolvent.

On Thursday, the 22nd day of March instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

W. C. Bonnerjee, *Attorney.*

In the matter James Charles Dickinson, lately of Lall Bazaar, in Calcutta, carrying on business with one Howard Clarton under the name, style, and firm of Howard, Clarton and Co., as Auctioneers, and at present residing at No. 2, Camac Street, in Calcutta, an Insolvent.

On Tuesday, the 20th day of March instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

Hatch and Stewart, *Attorneys.*

In the matter of Khojah Vullie Goolwany, of Portuguese Church Street, in Calcutta, Merchant, an Insolvent

On Wednesday, the 21st day of March instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of May next, and that the said Insolvent do then attend to be examined before the said Court

Carapiet, *Attorney.*

Chief Clerk's Office, the 27th March 1866.

In the mattter of James Braganca, formerly of No. 11, Hill's Lane, in Calcutta, an Assistant in the employ of Amelia Johannes, Widow, carrying on business at Lucknow, under the firm of Johannes and Co., Merchants, but at present out of employment, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Monday, the 16th day of April next, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid.*"

Smith and Presswell, *Attorneys.*

Chief Clerk's Office, the 28th March 1866.

North-West Indigo Association, "Limited."

An Extraordinary Meeting of the Shareholders in this Association will be held at the registered Office, No. 16, Strand, Calcutta, on Saturday, the 16th day of June next, at twelve o'clock, at which it is intended to propose Special Resolutions altering and making new provisions in lieu of, and in addition to, the Regulations of the Company contained in the Articles of Association. The object of such alterations and new provisions being to give power to the Directors to sell, lease, or otherwise dispose of the whole or any portion or portions of the Estates and property of the Association and to borrow money upon the security of the Estates and property of the Association or otherwise The said Extraordinary Meeting is also called for the purpose of determining what (if any) compensation should be paid to the Proprietors of the Hatrass Indigo Concern in respect of its use and occupation by the Association during the last season. Dated this 1st day of March one thousand eight hundred and sixty-six.

By Order of the Directors,

S. G. Balmer,
Secretary.

Bishnauth Tea Company, "Limited."

We beg to give notice that a call of Ten Rupees per Share on the new contributory Shares in this Company is due on the 5th of April next.

Shareholders are requested to pay into the Bank of Hindustan, China, and Japan, on or before the above date, the amount due on their respective Shares, forwarding their Scrip to the undersigned for endorsement, accompanied by the Bank's Receipt for the amount of the said Call.

By Order of the Directors,

Turner, Morrison & Co.,
Secretaries.

The 1st March 1866.

Simla Club and North-West Wine Company, "Limited."

Notice is hereby given that an Extraordinary General Meeting of the Shareholders of the above Company will be held at the registered Office of the Company, No. 7, New China Bazaar Street, Calcutta, on Saturday, the 7th day of April next, at 12 o'clock at noon, for the purpose of confirming the Resolutions passed at the Extraordinary General Meeting of Shareholders held on the 27th January last, to receive the Directors' Report and to pass the Accounts for the year ending 31st October 1865, and for the transaction of such other business as may be brought before the Meeting.

By Order,

B. Smyth & Co.,
Secretaries.

Calcutta,
The 5th March 1866.

Great Eastern Hotel Wine and General Purveying Company, "Limited."

An Extraordinary General Meeting of Shareholders will be held at the Office of this Company on Monday, the 9th April, at 4 P. M., to elect an Auditor.

By Order of the Directors,

David Calder,
Secretary.

Notice.

The Ordinary General Meeting of the Shareholders of the Bengal Steam Tug Company, "Limited," adjourned on the 3rd and 5th February last, for want of a quorum, shall be held at the Company's Office, No. 13, Old China Bazaar Lane, on Wednesday, the 4th day of April next, at 4 P. M., for the purpose of receiving the Directors' Report, passing the Accounts, and transacting whatever other business may be brought before the Meeting.

By Order of Directors,

Hajee Jackariah Mahomed & Co.,
Secretaries.

Calcutta,
The 1st March 1866.

Spence's Hotel Company "Limited."

Notice to Proprietors of Stock.

At an adjourned General Meeting of Shareholders held on the 21st instant an *ad interim* Dividend of 5 per cent., or Rupees 12-8 per Share, for the year ending 31st December 1865, was declared payable on the 11th proximo.

Registered Proprietors are requested to forward their Share Certificates, in order that Dividend Warrants may be prepared.

By Order of the Board of Directors,

W. A. Bound,
Manager.

Notice.

MR. A. R. MCINTOSH has been admitted a Partner in our Firm as from the 1st day of January last.

MARILLIER AND EDWARDS.

Notice.

MR. STEPHEN GEORGE BALMER is authorised to sign for me per procuration from this date.

R. GENTLE.

CALCUTTA,
The 6th March 1866.

Notice.

THE Firm of Mackey and Co., of Calcutta, Merchants and Agents, ceased to exist this day.

MACKEY & Co.

The 31st March 1866.

WITH reference to the above the business of the late firm of Mackey and Co. will be carried on under the style of

W. MINTO & Co.

The 31st March 1866.

ALL claims against the Firm of Mackey and Co., and all debts due to them are required to be sent in to Messrs. Barrow, Sen, and Watson, 8, Old Post Office Street, Solicitors, within one month from this date.

W. MINTO,
Surviving Partner and Executor of the late D. C. MACKEY.

The 31st March 1866.

Notice.

DURRUNG TEA COMPANY, "LIMITED."

"THE undersigned have been appointed Secre-
"taries for this Company, and its registered
"Office remains at No. 33, Jackson's Ghaut
"Street.

WM. MINTO & Co.

CALCUTTA,
The 2nd April 1866.

Notice.

PUNKABAREE TEA COMPANY, "LIMITED."

THE contributory Shares Nos. 1001 to 1250 of this Company were forfeited on the 24th instant by a Resolution of the Directors.

By Order,

L. PEREIRA,
Secretary.

The 26th March 1866.

South Cachar Company, "Limited."

AT the adjourned Extraordinary General Meeting of Shareholders of the above Company held pursuant to advertisement at No. 3, Church Lane, on Monday, the 26th March 1866.

PRESENT:

R. V. DOYNE, ESQ.
W. PIRIE, ESQ.
W. U. EDDIS, ESQ.
F. BARROW, ESQ.
W. MINTO, ESQ.
G. T. SNEAD, ESQ.
G. COLLINS, ESQ.
BABOO PEARY CHAND MITTRA.
J. H. WILLIAMSON AND W. H. FITZE, per J. H. WILLIAMSON, ESQ.
J. H. WILLIAMSON, ESQ.
H. J. JOAKIM, ESQ.
J. A. CHARRIOL, ESQ.
G. WILLIAMSON, ESQ., by his Attorney, W. MINTO, ESQ.
J. WYLLIE, ESQ.
D. C. MACKEY, ESQ., by his Executor, W. MINTO, ESQ.
DR. N. C. MACNAMARA, by his proxy, W. U. EDDIS, ESQ.
S. P. GRIFFITHS, ESQ., by his Attorney, JAMES MURDOCH, ESQ.
R. V. DOYNE, ESQ., *in the Chair.*

It was proposed by W. Minto, Esq., seconded by H. J. Joakim, Esq., and carried unanimously. That having regard to the present position of the Company, and the impracticability of obtaining funds to pay the debts due by the Company or to carry it on, the Directors be empowered to take such steps as shall be in their discretion necessary for selling either by auction, or otherwise as shall be most for the benefit of the Company, the whole or any part of the Estates of the Company with liberty in case of a sale by auction to all Shareholders, including the Directors to bid at such auction sale.

Referring to the above a Meeting of Shareholders is convened for Thursday, the 26th April, at 10 A. M., for the purpose of confirming the above Resolution.

By Order,

WILLIAM MORAN & Co.,
Secretaries.

3, CHURCH LANE;
Calcutta,
The 26th March 1866.

Notice.

ANY persons holding the Left-half of the Government Currency Note No. $\frac{A}{9}$36005, for Rupees 20, dated July 11th 1861, or the Right-half of the Government Currency Note No. $\frac{A}{9}$79853, for Rupees 20, dated July 11th 1861, are requested to communicate with the undersigned.

W. WAVELL,
Offg. Joint-Magistrate.

RUNGPORE,
The 19th March 1866.

Lost or Stolen.

THE Public is hereby cautioned against purchasing or lending money on the security of the Government Promissory Notes noted below. Baboo Narain Doss, the Proprietor thereof, while he was, on the 15th instant, proceeding by the East Indian Railway Company's Train in an Intermediate Class Carriage (which left Jamalpore at 10 P. M. on that day) from Futtooah Station to the Bankeepore Station, missed a bag (it having been, as he believes, stolen from him) containing among other things the said Government Promissory Notes. Any one giving information which will lead to the discovery of the said Government Promissory Notes will be rewarded.

Four per cent. Government Promissory Notes of 1854-55,—

Nos.	11573	of 30344,	for Rupees	5,000.
„	11574	of „	for „	5,000.
„	11575	of „	for „	5,000.
„	11576	of „	for „	5,000.
„	11577	of „	for „	5,000.
„	11578	of „	for „	5,000.
„	11579	of „	for „	5,000.
„	11580	of „	for „	5,000.
„	11581	of „	for „	5,000.
„	11582	of „	for „	5,000.
„	11583	of 33201,	for „	5,000.
„	11584	of „	for „	5,000.
„	11585	of „	for „	5,000.
„	11586	of „	for „	5,000.
„	11587	of „	for „	5,000.
„	11588	of „	for „	5,000.
„	11589	of „	for „	5,000.
„	11590	of „	for „	5,000.
„	11611	of 43371,	for „	5,000.
„	11612	of „	for „	5,000.
„	11613	of „	for „	5,000.
„	11614	of „	for „	5,000.
„	11615	of „	for „	5,000.
„	11616	of „	for „	5,000.
„	11617	of „	for „	5,000.
„	11618	of „	for „	5,000.
„	11619	of „	for „	5,000.
„	11620	of „	for „	5,200.
„	11629	of 33201,	for „	3,000.
„	11646	of „	for „	5,000.
		Total, Rupees	...	1,48,200

GREES CHUNDER BONNERJEE,
Attorney-at-Law, for Narain Doss.

Muttuck Tea Company, "Limited."

WE hereby give notice that the Fourth Call of Rupees 10 per Share on Shares in this Company is due on the 25th instant.

Shareholders are requested to pay the amount due on their Shares into the Bank of Hindustan, China, and Japan, "Limited," on or before the above date, and to send in their Scrip to the undersigned for endorsement, accompanied by the Bank's receipt for the amount of the said Call.

By Order of the Directors,

TURNER, MORRISON & Co.,
Secretaries.

1, LYONS' RANGE;
Calcutta,
The 3rd April 1866.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Labourers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labour Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

Lost,

Two Right-hand halves of Government Currency Notes, for Rupees 20 each. The Nos. are $\frac{A}{9}$53007 and $\frac{A}{9}$95344, both dated 11th July 1861.

Lost,

FIVE halves of Government Currency Notes Nos. $\frac{A}{11}$43127, 69578, Rupees 50 each; Nos. $\frac{A}{10}$39751, 10780, Rupees 20 each, and No $\frac{A}{7}$20598, for Rupees 10.

Lost,

SECOND-HALF of the Government of India Note No. 85086, for Rupees 50, payment of which has been stopped.

Lost,

ON the 17th March 1866, from Custom House, the Government Currency Note No. $\frac{A}{18}$57963, for Rupees 1,000. Payment has been stopped.

Lost,

A LETTER containing half of a Currency Note No. $\frac{A}{13}$26042, for Rupees 50. The letter was posted at Kussowlee on the 16th February 1866, directed to C. W. Stowell, Esq., Agra.

Payment has been stopped.

Lost,

SECOND-HALF of Government Currency Note No. 62762, for Rupees 10.

Lost,

THE Right-hand Halves of Nagpore Government Currency Notes Nos. $\frac{A}{17}$51168 and $\frac{A}{17}$56984, for Rupees 10 each. Payment stopped at the Mint.

Lost,

THE Second-half of a Government Currency Note No. $\frac{A}{13}$35110, for Rupees 100. Payment stopped at the Mint.

Lost,

SECOND-HALF of Government Currency Note No. $\frac{A}{7}$39587, and First-half of Government Currency $\frac{A}{7}$39588, for Rupees 10 each. Payment stopped at the Mint.

Lost,

THE last-half of two Punjab Government Currency Notes Nos. $\frac{A}{20}$31920, for Rupees 100, dated 5th May 1864, and No. $\frac{A}{16}$33337, for Rupees 20, dated 15th May 1862. Any person giving notice of the same will be rewarded.

Lost,

ON or about the 15th November, in transmission through the Post Office, the Right-hand Halves of the under-mentioned Government Currency Notes, for Rupees 50 each:—

No. $\frac{A}{1}$74878, Rupees 50.
„ $\frac{A}{11}$74701, „ 50.

Lost,

THE First-half of Government Currency Note, No. $\frac{A}{9}$40986, for Rupees 20. Payment stopped at the Mint.

Lost,

THE Second-halves of Government Currency Notes, No. $\frac{A}{11}$20230, for Rupees 50, and No. $\frac{A}{13}$60438, for Rupees 100. Payment stopped.

Stolen or Miscarried,

Two First-halves of Government Currency Notes, Nos. $\frac{A}{13}$44687 and $\frac{A}{11}$46645, for Rupees 100 and 50 respectively.

Lost,

SECOND-HALF of the Government Currency Note, No. $\frac{A}{11}$83641, for Rupees 50, dated 13th July 1861. Payment for which has been stopped at the Bank.

NOTICES issued by the POST-MASTER GENERAL of BENGAL.

No. 86.

THE Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointee and Punkabarree at the base of the Darjeeling Hills *viâ* Carragola, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarree at the foot of the Buxa Dooar *viâ* Mynagoorie. The train is chiefly intended for the conveyance of Commissariat and other Military Stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods:—

		Rs.	As.	P.
Peerpointee or Sahebgunge to Carragola	... per Md.	0	2	0
Carragola to Purneah	... „	0	8	0
Purneah to Kissengunge	... „	0	12	0
Kissengunge to Titalyah	... „	0	12	0
Titalyah to Punkabarree	... „	0	8	0
Peerpointee to Punkabarree	„	2	10	0
Titalyah to Santrabarree	... „	1	14	0
Peerpointee to Santrabarree	„	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on pre-payment of the charge for three maunds. Further, as the down train from Punkabarree to Carragola is expected to return empty, country produce will be received for despatch and charged for at the following rates:—

		Rs.	As.	P.
Punkabarree to Titalyah	... per Md.	0	8	0
Titalyah to Kissengunge	... „	0	6	0
Kissengunge to Purneah	... „	0	6	0
Purneah to Carragola	... „	0	4	0
Carragola to Peerpointee	... „	0	2	0
Punkabarree to Peerpointee	... „	1	10	0

C. K. DOVE,
Post-Master General of Bengal.

CALCUTTA,
The 19th February 1866.

No. 8143.

IN continuation of this Office notice of the 19th ultimo, the Public are informed that the Government Bullock Train Establishment between Titalyah and Santrabarree at the foot of the Buxa Dooar *viâ* Mynagoorie will cease to exist from the 10th April 1866, and goods will not be received for conveyance on the above line of road.

R. W. H. FANSHAWE, *Major*,
Offg. Post-Master General of Bengal.

CALCUTTA,
The 28th March 1866.

NOTICES issued by the POST-MASTER of CALCUTTA.

No. 372.

The 24th March 1866.—The Overland Mail per Steamer *Bengal* will be closed on Sunday, the 8th April, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia can be sent by this opportunity.

Postage.	Weight.	*Viâ* Marseilles.	*Viâ* Southampton.
	Under ½ Ounce	Rs. 0 6 8	Rs. 0 4 0
	„ 1 „	„ 0 13 4	„ 0 8 0
	„ 2 „	„ 1 10 8	„ 1 0 0

No. 373.

The 29th March 1866.—Mail Packets for the Overland Mail which leaves Bombay on the 14th April will be closed at this Office at 6 P. M. on each day as follows:—

Viâ Southampton ... 6th April 1866.
Viâ Marseilles ... 7th „ „

Inland Postage to Bombay must be prepaid in Stamps on letters sent by this opportunity to places in Egypt and to Countries in Foreign Europe *viâ* Trieste.

Rates of Postage.

	Viâ Southampton.			*Viâ* Marseilles.		
	Rs.	As.	P.	Rs.	As.	P.
Under ½ Ounce	... 0	4	0	0	6	8
„ 1 „	... 0	8	0	0	13	4

No. 374.

The 29th March 1866.—The Public are informed that an Express Packet will be sent to Bombay on Sunday, the 8th April, and letters will be received up to 6 P. M. of the same day.

The Express Postage must be paid in Stamps at one Rupee per ½ of an Ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the window.

No. 375.

The 31st March 1866.—The Overland Mails of the 22nd March 1866 and Express Packet of the 23rd idem arrived at Bombay in time for the Overland Steamer.

Memorandum shewing the Date and Hour of Arrival at the Calcutta Post Office of the Mails which left England on the 26th of February 1866, *and the time occupied in sorting the Letters and Papers for delivery.*

Name of the Steamer.	Date and Hour at which the Steamer anchored at Garden Reach.	Hour at which the Mails arrived at the General Post Office.	Hour at which the Window Delivery commenced.	Hour at which the Peons left Office.	Delivery.	No. of Boxes of Letters.			No. of Boxes of Newspapers and Books.		
						Southampton.	Marseilles.	Total.	Southampton.	Marseilles.	Total.
Mooltan	31st March 1866, at 4-10 P. M.	31st March 1866, at 5-10 P. M.	31st Mar. 1866, at 7-40P.M	1st April 1866, at 7¼ A. M.	2 h. 30 m.	3	4	7	44	26	70
											7
										Total ...	77
										France ...	2 Boxes.
										Aden ...	1 „
										Madras ...	2 „
										Australian ...	3 „
										Singapore ...	1 „
										Penang ...	1 „
										Hong-Kong ...	1 „
										Ceylon ...	3 „
										Alexandria ...	1 Bag.
										Australian ...	5 „
										Ditto ...	7 Pkts.
										Malta ...	1 „
										Gibraltar ...	1 „
										Suez ...	1 „
										Ceylon ...	1 „
										Bombay ...	1 „
										Total ...	109

The 3rd April 1866.

Printed and Published for the Government by THOMAS JONES, *at the Office of the Bengal Secretariat, Calcutta.*

APPENDIX TO

The Calcutta Gazette.

WEDNESDAY, APRIL 4, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE.

1*st*.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2*nd*.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3*rd*.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4*th*.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5*th*.—In addition to the ordinary Government Revenue fixed on the Estates the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue,

R. B. Chapman,
Secretary.

NOTICE.

The sale of the Government Estate of Pergunnah Doorlye, in the District of Tipperah, fixed on the 28th March 1866, is postponed until further orders.

By Order of the Board of Revenue, L. P.,

R. B. Chapman,
Secretary.

Fort William,
The 19th March 1866.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estate, situated in the District of 24-Pergunnahs, will be put up to sale, in the 24-Pergunnahs Collectorate, on the 10th May 1866, corresponding with 28th Bysack 1273 *B. S.*

The Purchaser of this Estate will be subject to the Conditions of sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix :—

Number on the District Roll.	Name of Estate and Pergunnah.	Area in Acres.	Government Revenue.			Upset Price.	Remarks.
			Revenue assessed.	Road Cess.	Total.		
		A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
1362	Sookchur, Pergunnah Calcutta ...	1 3 37	8 8 0	0 1 4	8 9 4	17 0 0	

COLLECTOR'S OFFICE;
24-Pergunnahs,
The 27th March 1866.

A. J. R. BAINBRIDGE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates will be put up to sale, in the Chittagong Collectorate, on Monday, the 30th day of April 1866, corresponding with the 18th Bysack 1273 *B. S.*, at an upset price of Rupees 6,854-6 and free for ever of all demands on account of Government Land Revenue.

The Purchaser of this Estate will be subject to the following Conditions of sale :—

One-tenth of the purchase money to be immediately deposited, and the remainder with interest to be recovered by instalments in ten years, in confirmity with the rules for the payment of purchase money and interest on the sale of Government Waste Lands.

Should any arrear of interest be unpaid on the 15th May of any year, or the whole purchase money not be paid before the 15th May of the tenth year following the sale, the Estate to be again put for sale after issue of advertisement for recovery of the arrear and at the risk of the defaulting purchaser. —

Number of Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Area in Acres.
			A. R. P. Y.
135	.....	Unassessed Waste Lands in Shurrul ...	1,758 1 36 29
136	.....	Ditto ditto in Gondamarrah ...	604 0 19 9¼
2 of 1864-65	147	Nelam Buddeanath Kanongoe Babut, Turruff Kanooram, Kismut Shurrul ...	347 1 24 24½
8	38	Lapsed part of Turruff Alum Khan in ditto ...	1 3 30 6½
	38769	Dukhul Salt Agent, Zammah Manollah ...	29 3 10 19½
			2,741 3 1 28¾

CHITTAGONG COLLECTORATE,
The 8th March 1866.

A. SMITH,
Collector.

No. 1707.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estate, situated in the District of Chittagong, will be put up to sale, in the Chittagong Collectorate, on Monday, the 9th April 1866, corresponding with the 28th Chyte 1272 *B. S.*

The Purchasers of this Estate will be subject to the Conditions of sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix:—

Number of Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Area in Acres.	Government Revenue.			Upset Price.	Remarks.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P. Yds.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
114	38818	Dukhul Salt Agent, Thannah Satkaneeah ...	27 3 7 22½	16 9 9	0 3 0	16 12 9	34 0 0	

CHITTAGONG COLLECTORATE,
The 8th March 1866.

A. SMITH,
Collector.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

SECOND APPENDIX TO

The Calcutta Gazette.

WEDNESDAY, APRIL 4, 1866.

LAND SALE NOTICE.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in Zillah Chittagong, will be put up to public and unreserved sale, at the Collector's Office of that District, on Friday, the 20th April 1866, corresponding with 8th Bysack 1273 *B. S.*, for arrears of Revenue due on the 25th February 1866:—

Class I.—Permanently-settled Estates.

No. 64.—Nelam Anonde Manollah; Proprietors, Uzmut Ally and Dewan Ally Sowdagur; the Sudder Jumma of the Mehal is Rupees 1,160-0-3.

No. 2467.—Turuff Ruhman Tallip; Proprietor, Junnut Ally Khan Chowdery; the Sudder Jumma of the Mehal is Rupees 603-14-6.

Compromised-settled Mehals.

No. 3935.—Turuff Radha Madub; Proprietors, Baluckdass Mohunt, Monohurdass Mohunt, Ram Sonder Sein, and Sasseram Dustedar, exclusive of the shares of Mymoorah Khatoon and other undivided shares for which the Revenue is paid, the shares of Ram Sonder Sein and Sasseram Dustedar will be sold; the entire Sudder Jumma of the Mehal is Rupees 1,810-0-4.

CHITTAGONG COLLECTORATE,
The 24th March 1866.

A. SMITH,
Collector.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

No. 15.] [687]

The Calcutta Gazette.

WEDNESDAY, APRIL 11, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information :—

THE INDIAN COMPANIES' ACT, 1866.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.

1. Short title.
2. Commencement of Act.
3. Interpretation Clause.
4. Prohibition of partnerships exceeding certain number.
5. Division of Act.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Mode of forming Company.
7. Mode of limiting liability of Members.
8. Memorandum of association of a Company limited by shares.
9. Memorandum of association of a Company limited by guarantee.
10. Memorandum of association of an unlimited Company.
11. Stamp, signature and effect of memorandum of association.
12. Power of certain Companies to alter memorandum of association.
13. Power of Companies to change name.

Articles of Association.

14. Regulations to be prescribed by Articles of Association.
15. Application of Table A
16. Stamp, signature and effect of Articles of Association.

General Provisions.

17. Registration of memorandum of association and Articles of Association with fees as in Table B.

Section.

18. Effect of registration.
19. Copies of memorandum and Articles to be given to members.
20. Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. Nature of interest in Company.
22. Definition of "Member."
23. Transfer by personal representative.
24. Register of Members.
25. Annual list of members.
26. Penalty on Company, &c., not keeping a proper register.
27. Company to give notice of consolidation or of conversion of capital into stock.
28. Effect of conversion of shares into stock.
29. Entry of trusts on register.
30. Certificate of shares or stock.
31. Inspection of register.
32. Power to close register.
33. Notice of increase of capital and of members to be given to Registrar.
34. Remedy for improper entry or omission of entry in register.
35. Notice to Registrar of rectification of register.
36. Register to be evidence.

Liability of Members.

37. Liability of present and past members of Company.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

38. Registered Office of Company.
39. Notice of situation of registered Office.
40. Publication of name by a limited Company.
41. Penalties on non-publication of name.
42. Contracts how made.
43. Register of mortgages.
44. Certain Companies to publish statement entered in Schedule.
45. List of Directors to be sent to Registrar.
46. Penalty on Company not keeping Register of Directors.
47. Promissory Notes, Bills of Exchange, and Hundis.
48. Prohibition against carrying on business with less than seven members.

Section.

Provisions for Protection of Members.

49. General Meeting of Company. Balance-sheet. Audit.
50. Power to alter regulations by Special Resolution.
51. Definition of Special Resolution.
52. Provision where no regulations as to meetings.
53. Registry of Special Resolutions.
54. Copies of Special Resolutions.
55. Execution of deeds abroad.
56. Examination of affairs of Company by Inspectors.
57. Application for inspection to be supported by evidence.
58. Inspection of books.
59. Result of examination how dealt with.
60. Power of Company to appoint Inspectors.
61. Report of Inspectors to be evidence.

Notices.

62. Service of notices on Company.
63. Rules as to notices by letter.
64. Authentication of notices by Company.

Legal Proceedings.

65. Evidence of proceedings at meetings.
66. Provision as to costs in suits brought by certain limited Companies.
67. Plaint in suits against members.

Alteration of Forms.

68. Governor-General in Council may alter Forms in Schedule.

Arbitrations.

69. Power for Companies to refer matters to arbitration.
70. Power to alter or revoke agreements for reference.
71. Agreements to be carried into effect.
72. Reference to Arbitrator.
73. Reference to two or more Arbitrators.
74. Appointment of Arbitrators by Companies.
75. Appointment of Arbitrators by Local Government.
76. Appointment of Arbitrators by Companies to supply vacancies.
77. Appointment of Arbitrators by Local Government to supply vacancies.
78. Appointment of Arbitrator not revocable.
79. Appointment of Umpire by Arbitrators.
80. Appointment of Umpire by Local Government.
81. Appointment of Umpire by Arbitrators to supply vacancy.
82. Appointment of Umpire by Local Government to supply vacancy.
83. Succeeding Arbitrators and Umpires to have powers of predecessors.
84. Reference to Umpire.
85. Power for Arbitrators, &c., to call for books, &c., and administer oath.
86. Procedure in the arbitration.
87. Arbitration may proceed in absence of Companies.
88. Several awards may be made.
89. Awards made in due time to bind all parties.
90. Power for Umpire to extend period for making his award.
91. Awards not to be set aside for informality.
92. Awards to be obeyed.
93. Agreements, arbitrations, and awards to have effect.
94. Costs of arbitration and award.
95. Payment of costs.
96. Submission to arbitration to be filed in Court.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

97. Meaning of contributory.
98. Nature of liability of contributory.

Section.

99. Contributories in case of death.
100. Contributories in case of insolvency.

Winding up by Court.

101. Circumstances under which Company may be wound up by Court.
102. Company when deemed unable to pay its debts.
103. Definition of "the Court."
104. Application for winding-up to be made by petition.
105. Commencement of winding-up by Court.
106. Court may grant injunction.
107. Course to be pursued by Court on hearing application.
108. Suits to be stayed after order for winding-up.
109. Copy of order to be forwarded to Registrar.
110. Power of Court to stay proceedings.
111. Effect of order on share-capital of Company limited by guarantee.
112. Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. Appointment of Official Liquidator.
114. Resignations, removals, filling up vacancies, and compensation.
115. Style and duties of Official Liquidator.
116. Powers of Official Liquidator.
117. Discretion of Official Liquidator.
118. Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. Collection and application of assets.
120. Provision as to representative contributories.
121. Power of Court to require delivery of property.
122. Power of Court to order payment of debts by contributory.
123. Power of Court to make calls.
124. Power of Court to order payment into Bank.
125. Regulation of account with Court.
126. Provision in case of representative contributory not paying monies ordered.
127. Order conclusive evidence.
128. Court may exclude creditors not proving within certain time.
129. Court to adjust rights of contributories.
130. Court to order costs.
131. Dissolution of Company.
132. Registrar to make Minute of dissolution of Company.
133. Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. Power of Court to summon persons before it suspected of having property of Company.
135. Examination of parties by Court.
136. Power to arrest contributory about to abscond or to remove or conceal any of his property.
137. Powers of Court cumulative.

Enforcement of and Appeal from Orders.

138. Power to enforce orders.
139. Order made in any Court to be enforced by other Courts.
140. Mode of dealing with orders to be enforced by other Courts.
141. Appeals from orders.
142. Judicial notice to be taken of signature of Officers.
143. Special Commissioners for receiving evidence.
144. Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary winding-up of Company.

145. Circumstances under which Company may be wound up voluntarily.
146. Commencement of voluntary winding-up.

Section.

147. Effect of voluntary winding-up on status of Company.
148. Notice of resolution to wind up voluntarily.
149. Consequences of voluntary winding-up.
150. Effect of winding-up on share-capital of Company limited by guarantee.
151. Power of Company to delegate authority to appoint Liquidators.
152. Arrangement when binding on creditors.
153. Power of creditor or contributory to appeal.
154. Power for Liquidators or contributories in voluntary winding-up to apply to Court.
155. Power of Liquidators to call General Meeting.
156. Power to fill up vacancy in office of Liquidators.
157. Power of Court to appoint Liquidators.
158. Liquidators on conclusion of winding-up, to make up an account.
159. Liquidators to report meeting to Registrar.
160. Costs of voluntary liquidation.
161. Saving of rights of creditors.
162. Power of Court to adopt proceedings of voluntary winding-up.

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163. Power of Court, on application, to direct winding-up subject to supervision.
164. Petition for winding-up subject to supervision.
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167. Effect of order of Court for winding-up subject to supervision.
168. Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

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170. The books of the Company to be evidence.
171. As to disposal of books, accounts, and documents of the Company.
172. Inspection of books.
173. General scheme of liquidation may be sanctioned.
174. Power to compromise.
175. Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.
176. Mode of determining price.
177. Appointment of Arbitrator when questions are to be determined by arbitration.
178. Vacancy of Arbitrator to be supplied.
179. Appointment of Umpire.
180. Power of Arbitrators to call for books, &c.
181. Costs to be in the discretion of the Arbitrators.
182. Submission to arbitration may be filed in Court.
183. Certain attachments, distresses and executions to be void.
184. Fraudulent preference.
185. Power of Court to assess damages against delinquent Directors and Officers.
186. Penalty on falsification of books.
187. Prosecution of delinquent Directors in the case of winding-up by Court.
188. Penalty of false evidence.

Power of High Court to make Rules.

189. Power of High Court to make rules.

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REGISTRATION OFFICE.

190. Constitution of Registration Office.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

191. Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

Section.

192. Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.
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196. Definition of Joint Stock Company.
197. Requisitions for registration by Companies.
198. Requisitions for registration by existing Company not being a Joint Stock Company.
199. Power for existing Company to register amount of stock instead of shares.
200. Authentication of statements of existing Companies.
201. Registrar may require evidence as to nature of Company.
202. On registration of Banking Company with limited liability, notice to be given to customers.
203. Exemption of certain Companies from payment of fees.
204. Company to change name.
205. Certificate of registration of existing Companies.
206. Certificate to be evidence of compliance with Act.
207. Transfer of property to Company.
208. Registration under this Act not to affect obligations incurred previously to registration.
209. Continuation of existing suits.
210. Effect of registration under Act.
211. Powers of Court to restrain further proceedings.
212. Order for winding up Company.

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APPLICATION OF ACT TO UNREGISTERED COMPANIES

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214. Who to be deemed a contributory in the event of Company being wound up.
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218. Provisions in this Part of Act cumulative.

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222. Saving of Conveyance Deeds.
223. Compulsory registration of certain Companies.
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225. Cognizance of offences under this Act.
226. Punishment of offences under this Act, committed within local limits of High Court.
227. Levy of fines by distress.
228. Procedure until return is made to distress warrant.
229. Imprisonment if no sufficient distress.
230. Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.
231. Act not to apply to Banks of Bengal, Madras or Bombay.

Act No. X of 1866.

An Act for the incorporation, regulation, and winding-up of Trading Companies and other Associations.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of Trading Companies and other associations should be consolidated and amended; It is enacted as follows:—

Preamble.

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the first day of May 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106, entitled "An Act for the better Government of India:"

"Year." "Month." "Year" and "month" respectively denote a year and month reckoned according to the British calendar:

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses:

"Court." "Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original Civil jurisdiction:

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part and includes a Chief Commissioner; and "High Court" denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor-General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding-up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them:

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

Constitution and Incorporation of Companies and Associations under this Act.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount,

Subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by

guarantee, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an Unlimited Company, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of memorandum of association.

11. The memorandum of association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by Special Resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically: They may adopt all or any of the provisions contained in the Table marked A in the first Schedule hereto: They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and Articles of Association with fees as in Table B.

17. The memorandum of association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the memorandum of association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand

that the Company is incorporated, and in the case of a Limited Company that the Company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a Body Corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

19. A copy of the memorandum of association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy, and if any Company makes default in forwarding a copy of the memorandum of association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Copies of memorandum and Articles to be given to members.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Nature of interest in Company.

22. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the Register of Members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the Register of Members, shall be deemed to be a member of the Company.

Definition of "Member."

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

24. Every Company under this Act shall cause to be kept in one or more books a Register of its members, and there shall be entered therein the following particulars:—

Register of Members.

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the Register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper Register.

Company to give notice of consolidation or of conversion of capital into stock.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall within fifteen days of such consolidation, division or conversion, give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Effect of conversion of shares into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the Register of Members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on Register.

29. No notice of any trust, express, implied or constructive, shall be entered on the Register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Certificate of shares or stock.

30. A certificate under the common seal of the Company, specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of Register.

31. The Register of Members, commencing from the date of the registration of the Company, shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such Register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the Register.

Power to close Register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any time or times not exceeding in the whole thirty days in each year.

Notice of increase of capital and of members to be given to Registrar.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within fifteen days from the date of the passing of the Resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in Register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the Register of Members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the Register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the Register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the Register; provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of Register.

35. Whenever any order has been made for rectifying the Register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The Register of Members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say):—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a Limited Company.

40. Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

41. If any Limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Húndí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1.) Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

43. Every Limited Company under this Act shall keep a Register of all mortgages and charges specifically affecting property of the Company, and shall enter in such Register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The Register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty any Judge of the High Court may by order compel an immediate inspection of the Register.

Certain Companies to publish statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a Register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such Register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act and not having a capital divided into shares makes default in keeping a Register of its Directors or Managers, or in sending a copy of such Register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange and Hundís.

47. A Promissory Note, Bill of Exchange or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General Meeting of Company.

Balance-sheet.

49. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this Section, every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to a penalty of one thousand rupees.

Audit.

Power to alter regulations by Special Resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any Company formed under this Act may, in General Meeting, from time to time, by passing a Special Resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule where such Table is applicable to the Company, or make new regulations to the exclusion of or addition to all or any of the regulations of the Company. Any regulations so made by Special Resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting every member shall have one vote, and in default of any regulations as to summoning General Meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of Special Resolutions.

53. A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the Resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which

such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney on behalf of the Company and under his seal, shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(2.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the Register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any such Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a Special Resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same, or sending it through the Post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the Post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Every document to be served by Post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices by Company.

64. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

65. Every Company under this Act shall cause minutes of all Resolutions and proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

66. Where a Limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in suits brought by certain Limited Companies.

67. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Plaint in suits against member.

Alteration of Forms.

68. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms, as he deems requisite. Any such Table or form, when altered, shall be published in the Gazette of India, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor-General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Governor-General in Council may alter forms in Schedule.

Arbitrations.

69. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power for Companies to refer matters to arbitration.

70. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Power to alter or revoke agreements for reference.

71. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Agreements to be carried into effect.

72. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to Arbitrator.

73. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Reference to two or more Arbitrators.

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

74. Where there are to be two or more Arbitrators, every Company shall by writing under their common seal appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government.

76. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Companies to supply vacancies.

77. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government to supply vacancies.

78. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of Arbitrator not revocable.

79. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Arbitrators.

80. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Local Government.

81. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impar-

Appointment of Umpire by Arbitrators to supply vacancy.

tial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

82. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their Umpire, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire. The Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

83. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

84. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

85. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

86. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

87. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred. Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

89. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

90. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

91. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

92. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered, shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

93. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

94. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of costs.

95. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

96. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

97. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

98. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times

when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

99. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in a due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

100. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

101. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

102. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

103. The expression "the Court," as used in this Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding-up to be made by petition.

104. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties, together or separately. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Commencement of winding-up by Court.

105. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

106. The Court may, at any time after the presentation of a petition for winding up a Company under this Act and before making an order for winding up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time after the presentation of such petition and before the first appointment of Liquidators, appoint provisionally an Official Liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

107. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

108. When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

109. When an order has been made for winding-up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies; who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay proceedings.

110. The Court may at any time after an order has been made for winding up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

111. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

112. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons to be called an Official Liquidator or Official Liquidators. The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of Official Liquidator or Official Liquidators. In all cases, if more persons than one are appointed to the office of Official Liquidator, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any Official Liquidator on his appointment. If no Official Liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Appointment of Official Liquidator.

114. Any Official Liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an Official Liquidator appointed by the Court shall be filled by the Court. There shall be paid to the Official Liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more Liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Resignations, removals, filling up vacancies, and compensation.

115. The Official Liquidator or Liquidators shall be described by the style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Style and duties of Official Liquidator.

116. The Official Liquidator shall have power, with the sanction of the Court, to do the following things:—

Powers of Official Liquidator.

(1.) To bring or defend any suit or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and ratably with the other separate creditors:

(6.) To draw, accept, make and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company, shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the Official Liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

117. The Court may provide by any order that the Official Liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an Official Liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of Official Liquidator.

118. The Official Liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the Register of Members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

120. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

121. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent, or Officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the Official Liquidator any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

122. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Part of this Act. The Court may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him, or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

123. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves. The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to make calls.

124. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the Official Liquidator instead of to the Official Liquidator, and such order may be enforced in the same manner as if it had directed payment to the Official Liquidator.

Power of Court to order payment into Bank.

125. All monies, bills, notes and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same, as the Court may direct.

Regulation of account with Court.

126. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

127. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Order conclusive evidence.

128. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

129. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

130. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

131. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

132. Any order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

133. If the Official Liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

135. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

136. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or

Power to arrest contributory about to abscond or to remove or conceal any of his property.

otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

137. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

138. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

139. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

140. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

141. Re-hearings of and appeals from any order or decision made or given in the matter of the winding-up of a Company by the Court, may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers.

142. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this Part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

143. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

144. If any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

145. A Company under this Act may be wound up voluntarily,

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a Special Resolution as hereinbefore defined.

Commencement of voluntary winding-up.

146. A voluntary winding-up shall be deemed to commence at the time of the passing of the Resolution authorizing such winding-up.

Effect of voluntary winding-up on status of Company.

147. Whenever a Company is wound upvoluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares except transfers made to or with the sanction of the Liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding-up shall

be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

148. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Consequences of voluntary winding-up.

149. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu*, and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company:

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property:

(3.) The Company in General Meeting shall appoint such persons or person as it thinks fit to be Liquidators or a Liquidator, and may fix the remuneration to be paid to them or him:

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the appointment of Liquidators, all the powers of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the continuance of such powers:

(6.) When several Liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(7.) The Liquidators may, without the sanction of the Court, exercise all powers by this Act given to the Official Liquidators:

(8.) The Liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(9.) The Liquidators may at any time after the passing of the Resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the Liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(10.) The Liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guarantee.

150. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Liquidators.

Power of Company to delegate authority to appoint Liquidators.

151. A Company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an Extraordinary Resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing Liquidators or any of them, and supplying any vacancies in the appointment of Liquidators, or may by a like Resolution enter into any arrangement with respect to the powers to be exercised by the Liquidators and the manner in which they are to be exercised. Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

152. Any arrangement which a Company about to be wound up voluntarily or in the course of being wound up voluntarily shall have entered into with its creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

153. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for Liquidators or contributories in voluntary winding-up to apply to Court.

154. Where a Company is being wound up voluntarily, the Liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of Liquidators to call General Meeting.

155. Where a Company is being wound up voluntarily, the Liquidators may, from time to time during the continuance of such winding-up, summon General Meetings of the Company for the purpose of obtaining the sanction of the Company by Special Resolution or Extraordinary Resolution or for any other purposes they think fit. In the event of the winding-up continuing for more than one year, the Liquidators shall summon a General Meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding-up has been conducted during the preceding year.

Power to fill up vacancy in office of Liquidators.

156. If any vacancy occurs in the office of Liquidators appointed by the Company, by death, resignation or otherwise, the Company in General Meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a General Meeting for the purpose of filling up such vacancy may be convened by the continuing Liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing Liquidator, if any, or by any contributory of the Company, be determined by the Court.

157. If from any cause whatever there is no Liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a Liquidator or Liquidators. The Court may also, on due cause shown, remove any Liquidator, and appoint another Liquidator to act in the matter of a voluntary winding-up.

Power of Court to appoint Liquidators.

158. As soon as the affairs of the Company are fully wound up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the Liquidators. The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting, in the manner specified in Section 148.

Liquidators on conclusion of winding-up to make up an account.

159. The Liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the Liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Liquidators to report meeting to Registrar.

160. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Costs of voluntary liquidation.

161. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors.

162. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Power of Court, on application, to direct winding-up subject to supervision.

164. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Petition for winding-up subject to supervision.

165. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of a Liquidator or of Liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors.

166. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional Liquidator or Liquidators. Any Liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any Liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Power to Court to appoint additional Liquidators in winding-up subject to supervision.

167. Where an order is made for a winding-up subject to the supervision of the Court, the Liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the Liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court. In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the Official Liquidators, the expression Official Liquidators shall be deemed to mean the Liquidators conducting the winding-up subject to the supervision of the Court.

Effect of order of Court for winding-up subject to supervision.

168. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be Official Liquidators.

Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding-up avoided.

170. Where any Company is being wound up, all books, accounts and documents of the Company and of the Liquidators shall, as between the contributories of the Com-

The books of the Company to be evidence.

pany, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

171. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the Liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an Extraordinary Resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

172. Where an order has been made for winding up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

173. The Liquidators may, with the sanction of the Court, where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the Liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

174. The Liquidators may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the Liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.

175. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the Liquidators of the first mentioned Company may, with the sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general authority on the Liquidators, or an authority in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the Special Resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such Special Resolution in writing addressed to the Liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such Special Resolution was passed, such dissentient member may require the Liquidators to do one of the following things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the Company is dissolved, and to be raised by the Liquidators in such manner as may be determined by Special Resolution. No Special Resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such Resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

176. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of Arbitrator when questions are to be determined by arbitration.

177. When any dispute so directed to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an Arbitrator to whom such dispute shall be referred. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation. If for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

178. If before the matters so referred shall be determined any Arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of Umpire.

179. Where more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ. If such Umpire shall die, or refuse or for seven days neglect to act, they shall forthwith, after such death, refusal or neglect, appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

180. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Power of Arbitrators to call for books, &c.

181. The costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be.

Costs to be in the discretion of the Arbitrators.

182. On the application of either of the parties the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Submission to arbitration may be filed in Court.

183. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment distress or execution put in force against the estate or effects of the Company after the commencement of the winding-up shall be void.

Certain attachments, distresses and executions to be void.

184. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly. For the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a Resolution for winding up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees for the benefit of all its creditors, shall be void.

Fraudulent preference.

185. Where in the course of the winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Power of Court to assess damages against delinquent Directors and Officers.

186. If any Director, Officer or contributory of any Company wound up under this Act, destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Penalty on falsification of books.

187. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Prosecution of delinquent Directors in the case of winding-up by Court.

188. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code for a term which may extend to seven years and shall also be liable to fine.

Penalty of false evidence.

Power of High Court to make Rules.

189. The High Court may make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure. But until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

Power of High Court to make rules.

PART V.

Registration Office.

190. The registration of Companies under this Act shall be conducted as follows; (that is to say)—

Constitution of Registration Office.

(1.) The Local Government may, after the sanction of the Governor-General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the memorandum of association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks and other Officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor-General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

191. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a Limited Company, as if such Company had been formed and registered as an Unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by Special Resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an Unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

192. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

193. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

Mode of transferring shares.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

194. With the exceptions made in the next following Section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor-General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an Unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Companies capable of being registered.

195. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act: (that is to say)—

Regulations as to registration of existing Companies.

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by guarantee:

(3.) No Life Assurance Company existing at the time of the commencement of this Act, and no Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally or by proxy in cases where proxies are allowed by the regulations of the Company, at some General Meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council, or by Letters Patent, is about to register as a Limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a Resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

Definition of Joint Stock Company.

196. For the purposes of this Part of this Act so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Requisitions for registration by Companies.

197. Previously to the registration, in pursuance of this Part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say),

(1.) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor-General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say)—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

198. Previously to the registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor-General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

199. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

200. The lists of members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

201. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

202. Every Banking Company existing at the date of the passing of this Act which registers itself as a Limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the Post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

203. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a Limited Company, or where, previously to its being registered as a Limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor-General of India in Council, or by Letters Patent.

Company to change name.

204. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

205. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate to be evidence of compliance with Act.

206. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

207. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in

the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

208. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of such Company previously to such registration.

Continuation of existing suits.

209. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public Officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

210. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the Resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say),

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor-General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) Nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

211. The Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this Part of this Act, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

212. Where an order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

213. Subject as hereinafter mentioned any partnership, association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor-General of India in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term Unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An Unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an Unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered Office of the Company:

(2.) No Unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court:

(3.) The circumstances under which an Unregistered Company may be wound up are as follows; (that is to say):—

(*a.*) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(b.) Whenever the Company is unable to pay its debts;

(c.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An Unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts,

(a.) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(b.) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and, notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same:

(c.) Whenever execution or other process, issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(d.) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

214. In the event of an Unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company. Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Who to be deemed a contributory in the event of Company being wound up.

215. The Court may, at any time after the making of an application for winding up an Unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Power of Court to restrain further proceedings.

216. Where an order has been made for winding up an Unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Effect of order for winding up Company.

217. If any Unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the Official Liquidator or Official Liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official name or names, or in such name or names and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provision in case of Unregistered Company.

218. The provisions made by this Part of the Act with respect to Unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court. The Court or Official Liquidator may, in addition to any thing contained in this Part of the Act, exercise any powers or do any act in the case of Unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an Unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

Provisions of this Part of Act cumulative.

PART IX.

Repeal of Acts and Miscellaneous Provisions.

219. After the commencement of this Act, there shall be repealed the several Acts specified in the third Schedule hereto.

Repeal of Acts.

220. No repeal hereby enacted shall affect—

Saving Clause as to repeal.

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

221. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily

Saving of existing proceedings for winding up.

such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding-up, such repealed Acts or Act shall be deemed to remain in full force.

222. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

223. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Compulsory registration of certain Companies.

224. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time) the following consequences shall ensue, (that is to say)—

Penalty on Company not registering.

(1.) The Company shall be incapable of suing but shall not be incapable of being made a defendant to a suit.

(2.) No dividend shall be payable to any shareholder in such Company.

(3.) Each Director or Manager of the Company shall, for each day during which the Company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may have incurred by reason of its not having registered under the said Act No. XIX of 1857.

225. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate, unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Cognizance of offences under this Act.

226. If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Punishment of offences under this Act, committed within local limits of High Court.

227. All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's moveable property by warrant under the hand of the Officer imposing the penalty.

Levy of penalties by distress.

228. In case any such penalty shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to distress warrant.

229. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient moveable property whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

Imprisonment if no sufficient distress.

230. In Sections 1 and 18 of Act No. XXI of 1860 *(for the registration of Literary, Scientific and Charitable Societies)*, the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

231. Save as provided in Section 125, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

Act not to apply to Banks of Bengal, Madras or Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in General Meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of In consideration of the sum of rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the Ordinary General Meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a Resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in General Meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a Resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privilege or advantage.

Increase in Capital.

(26.) The Directors may, with the sanction of a Special Resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in General Meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first General Meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an Extraordinary General Meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(36.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(37.) No business shall be transacted at any General Meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution.

(43.) If a poll is demanded by five or more members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting. In the case of an equality of votes at any General Meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

I of Company Limited. being a member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary or Extraordinary, as the case may be) General Meeting of the Company to be held on the day of , and at any adjournment thereof (or, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise

all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first Ordinary Meeting after the registration of the Company, the whole of the Directors shall retire from office; and at the first Ordinary Meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the Ordinary Meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company in General Meeting may, by a Special Resolution, remove any Director before the expiration of his period of office, and may by an Ordinary Resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors; subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the applicaton of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the Register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 **Cr.**

		CAPITAL AND LIABILITIES.	Rs.	As.			PROPERTY AND ASSETS.	Rs.	As.
I. CAPITAL.		SHOWING:			III. PROPERTY HELD BY THE COMPANY.		SHOWING:		
	1	The number of share				7	Immoveable property. Distinguishing—		
	2	The amount paid for shares					(a) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters ...					(b) „ Buildings		
							(c) Leasehold „		
	4	The particulars of any forfeited shares ...				8	Moveable property. Distinguishing—		
							(d) Stock in Trade		
II. DEBTS AND LIABILITIES OF THE COMPANY.		SHOWING:					(e) Plant		
							The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss ...		
	5	The amount of loans on mortgages or debenture bonds							
	6	The amount of debts owing by the Company, distinguishing			IV. DEBTS OWING TO THE COMPANY.		SHOWING:		
		(a) Debts for which acceptances have been given				9	Debts considered good for which the Company hold bills or other securities ...		
		(b) Debts to tradesmen for supplies of stock in trade or other articles ...				10	Debts considered good for which the Company hold no security		
		(c) Debts for law expenses ...				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated ...		
		(d) Debts for interest on debentures or other loans							
		(e) Unclaimed dividends							
		(f) Debts not enumerated above ...							
VI. RESERVE FUND.		SHOWING:			V. CASH AND INVESTMENTS.		SHOWING:		
		The amount set aside from profits to meet contingencies.				12	The nature of investment and rate of interest		
VII. PROFIT AND LOSS.		SHOWING:				13	The amount of cash, where lodged, and if bearing interest		
		The disposable balance for payment of dividends, &c.							
CONTINGENT LIABILITIES.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable							

(a) See Clauses 81 and 82 of the foregoing Table A.

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TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ..	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the Articles of Association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less number than 50 members after the first 100.			
For registration of a Company in which the number of members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ...	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were:—

Debts owing to sundry persons by the Company:

Under decree, Rs.

On specialty, Rs.

On Notes or Bills, Rs.

On Simple Contracts, Rs.

On estimated Liabilities, Rs.

The Assets of the Company on that day were:—

Government Securities [*stating them*], Rs.

Bills of Exchange and Promissory Notes, Rs.

Cash at the Bankers, Rs.

Other Securities, Rs.

SECOND SCHEDULE.

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "the Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each subscriber.
1. A. B. of ...	
2. C. D. ,, ...	
3. E. F. ,, ...	
4. G. H. ,, ...	
5. I. J. ,, ...	
6. K. L. ,, ..	
7. M. N. ,, ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of

* If the Company has no capital divided into shares, the portion of the Statement relating to capital and shares must be omitted.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "the Mutual Calcutta Marine Association, Limited."

2*nd*.—The registered Office of the Company will be situate in Calcutta.

3*rd*.—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th*.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The Directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows: that is to say, if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting if convened upon the requisition of the members, shall be dissolved. In any other case it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form :—

COMPANY LIMITED.

I of
being a member of the
Company Limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary or Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of

Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the memorandum of association.

(26.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of members.

(31.) Subsequent Audit Committees shall be nominated by the members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in to the Post Office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Indian Companies' Act, 1866, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... .. ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L. of .. ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Hotel Company, Limited."

2*nd.*—The registered Office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P. of

Memorandum and Articles of Association of an Unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding memorandum of association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. . of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of

Nominal Capital Rs. divided into shares of Rs. each

Number of Shares taken up to the day of

There has been called up on each Share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held Shares therein at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional Shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850 ...	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857 ...	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.
No. VII of 1860 ...	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Government of Bengal.

LEGISLATIVE DEPARTMENT.

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 13th March 1866, and having been assented to by His Excellency the Governor General on the 23rd idem, is hereby promulgated for general information :—

ACT No. III OF 1866.

An Act to provide for the Attendance and Examination of Witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

Preamble.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, and for the examination of such witnesses; It is enacted as follows :—

Lieutenant-Governor may, by summons, require any person to appear before his Council.

I. It shall be lawful for the Lieutenant-Governor of Bengal, by a summons under the hand of the Secretary or Assistant Secretary to the Government of Bengal in the Legislative Department for the time being, to require the attendance before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, at a time and place to be mentioned in such summons, of any person residing within any of the provinces or places subject to the Government of the Lieutenant-Governor of Bengal, whose evidence shall, in the judgment of such Council, be material with reference to any project of Law, Bill, or Act then under consideration by such Council; and by such summons to require the person so summoned to produce before such Council all such books, deeds, and writings as to the said Council shall appear necessary for obtaining information as to the matter so under consideration; and every person so summoned shall, according to the exigency of the summons, attend before the said Council, and produce such books, deeds, and writings as shall be in his power, custody, or control.

Administration of an oath or affirmation.

II. It shall be lawful for the said Secretary or Assistant Secretary to the Government of Bengal in the Legislative Department for the time being, or any other Officer appointed in that behalf by the Lieutenant-Governor, to administer an oath or affirmation, in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid. But nothing herein contained shall prevent such person from giving evidence without oath or affirmation, if the said Council shall think it expedient that the evidence should be so given.

Powers against persons failing to appear, &c.

III. If any person, upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode, shall, without reasonable cause, (to be allowed by the said Lieutenant-Governor of Bengal,) fail to appear before the said Council at the time and place mentioned in the summons, or shall refuse to make oath or affirmation as required, or shall not make answer to such questions as shall be put to him touching the matter under consideration as aforesaid, or shall refuse or fail, without reasonable cause, (to be allowed by the said Lieutenant-Governor of Bengal,) to produce to the said Council any book, deed, or writing in his possession, power, or control as by the said Council he shall be required to produce, (whether mentioned in the summons or not,) the Lieutenant-Governor of Bengal shall, on the report of the said Council that such failure or refusal has taken place, have the power, by warrant under his hand, to direct that such person be apprehended and committed to close custody in a place and for a time specified in the warrant, unless he shall in the meantime comply, to the satisfaction of the said Council, with such requisitions as have been made on him touching his examination. The warrant may be directed to any Officer appointed in that behalf by the Lieutenant-Governor.

Expenses of witnesses.

IV. Whenever a summons is issued for the attendance of a witness under this Act, the Lieutenant-Governor of Bengal may, if he thinks fit, order such witness to receive from the Collector or Commissioner of the district or division in which the witness resides, such expenses as he would have been entitled to receive if summoned as a witness before the Principal Court of Original Jurisdiction within the limits of which he shall be residing.

Provisions of Sections 21 and 32 of Act II of 1855 extended.

V. The provisions of Sections XXI and XXXII of Act II of 1855 *(for the further improvement of the Law of Evidence)* shall extend to witnesses examined before the said Council of the Lieutenant-Governor of Bengal.

VI. Throughout this Act, unless the contrary appears from the context, words importing the singular shall include the plural, and words importing the plural shall include the singular number :

Interpretation.

Number.

Words importing the masculine gender shall include the feminine :

Gender.

The word "Council" shall include any Committee of the whole Council, and any Select Committee of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

"Council."

WALKER MARSHALL,
Asst. Secy. to the Govt. of Bengal, Legislative Dept.

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 13th March 1866, and having been assented to by His Excellency the Governor General on the 23rd idem, is hereby promulgated for general information :—

ACT No. IV OF 1866.

An Act to amend and consolidate the provisions of Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay) and of Act XLVIII of* 1860 *(to amend Act XIII of* 1856.*)*

WHEREAS it is expedient to amend and consolidate the provisions of Act XIII of 1856, and of Act XLVIII of 1860, so far as the said Acts are applicable to the Town of Calcutta ; It is enacted as follows :—

Preamble.

I. This Act may be cited as "The Calcutta Police Act, 1866."

Short Tittle.

II. The said Acts XIII of 1856 and XLVIII of 1860, so far as they relate to the Town of Calcutta, are hereby repealed, except so far as they repeal any other enactment, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Acts XIII of 1856 and XLVIII of 1860 repealed so far as regards Calcutta.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

Interpretation.

The words "Town of Calcutta" shall include all places within the local limits of the jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

"Town."

The word "Magistrate" shall mean any Magistrate of Police acting for the said Town.

"Magistrate."

The word "property" shall include any chattel, money, or valuable security.

"Property."

The word "month" shall mean calendar month.

"Month."

The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Oath."

The words "common gaming-house" shall be taken to mean any house, room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge for the use of the instruments of gaming, or of the house, room, place, or otherwise howsoever.

"Common gaming-house."

The word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

"Cattle."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include females.

Gender.

IV. The administration of the Police in the Town of Calcutta shall be vested in an Officer to be styled the Commissioner of Police for such Town, who shall from time to time be appointed by the Lieutenant-Governor of Bengal and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

Appointment and removal of Commissioner of Police.

V. The said Lieutenant-Governor may from time to time appoint one or more Deputies to the Commissioner of Police, who shall be competent to perform any of the duties assigned to that Officer under his orders. The Deputy Commissioners may be removed at any time by order of the said Lieutenant-Governor.

Appointment of Deputies to the Commissioner of Police.

VI. The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but, with the sanction of the Governor General of India in Council, may be appointed to that office, when the said Lieutenant-Governor, for special reasons, may deem it expedient.

Commissioner of Police shall not ordinarily be a Magistrate.

VII. The Commissioner of Police shall be appointed a Justice of the Peace, but unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the

Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and, if so appointed, shall act in that capacity, subject to the above restriction.

Constitution of Police Force.

VIII. For the said Town of Calcutta there shall be a Police Force, which shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be, from time to time, ordered by the said Lieutenant-Governor, with the sanction of the Governor General of India in Council.

The Police Force to be under the control of the Commissioner. Rules for the government of the Force to be made by the Commissioner and approved by Government.

IX. The Police Force shall be under the exclusive direction and control of the Commissioner of Police, who may, from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the several members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them, and all such other orders and regulations relative to the said Police Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment, &c., of the Police Force to rest with the Commissioner.

X. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may, at any time, suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Power of Commissioner to fine members of the Police Force.

XI. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay.

Additional penalties for members of the Police Force for neglect of duty, &c.

XII. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police, besides being suspended or dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred Rupees, (which may be deducted from any salary then due to such offender,) or to imprisonment, with or without hard labor, for any term not exceeding three months.

Members of Police Force to receive Certificates vesting them with the powers of a Constable.

XIII. Every member of the Police Force shall receive on his enrolment a Certificate (A) under the the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Constable. Such Certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

Members of Police Force not to resign without leave, or six or two months' notice.

XIV. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention if a member of the mounted branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty Rupees, or to be imprisoned, with or without hard labor, for any term not exceeding two months.

Penalty for dismissed members of Police Force not delivering up clothing, accoutrements, &c

XV. Every member of the Police Force, who shall be dismissed from, or shall cease to hold and exercise his office, and who shall not forthwith deliver up his Certificate, and all the clothing, accoutrements, and appointments, and other necessaries, which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person and at such time and place as shall be directed by the said Commissioner, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Police Superannuation Fund.

XVI. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the Rupee, which sum so deducted shall from to time be invested in such manner and in such securities as the said Lieutenant-Governor may in writing direct, and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a a Police Officer.

Disposal of the proceeds of certain fines, &c.

XVII. All sums accruing from stoppages from members of the Police Force during absence from sickness or other cause and fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon

drunken persons or for assaults upon Police Officers, and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall be credited to any Fund applicable to Police purposes.

Commissioner of Police may appoint Special Constables when necessary.

XVIII. The Commissioner of Police may, of his own authority, appoint Special Constables to assist the Police Force on any temporary emergency.

Powers of Special Constables.

XIX. Every Special Constable so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for Special Constable neglecting or refusing to serve, &c.

XX. If any person being appointed a Special Constable as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

Appointment of additional Constables on the application of private individuals.

XXI. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of Constables to keep the peace at any place within his jurisdiction, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Constable shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Constables belonging to the Police Force.

Proviso.

Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the Constables so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Constables; and all moneys received by the Commissioner for the payment of any such additional Constables shall be accounted for by him.

Police Districts.

XXII. The said Lieutenant-Governor may constitute, within the said Town of Calcutta, so many Police Districts as to such Lieutenant-Governor shall seem fit, and define the extent thereof; and from time to time alter the number and extent of such Police Districts, and establish a Police Court in and for each of such Districts, or in and for such other Districts as the said Lieutenant-Governor may consider necessary. The said

Appointment of Police Magistrates.

Lieutenant-Governor may, from time to time, appoint a sufficient number of fit persons as Magistrates of Police for the said Town, who may sit and act as such Magistrates in any of the said Police Courts. Every such person, before he shall act as a Magistrate of Police, shall also be appointed a Justice of the Peace and shall exercise all powers and jurisdictions which by virtue of any Law may be exercised by two Justices of the Peace.

Police Officers to be in attendance at the Police Courts.

XXIII. The Commissioner of Police shall take care that a sufficient number of Officers belonging to the Police Force shall be in attendance upon every Magistrate sitting at any Police Court, for the purpose of executing all such orders and process as may be directed or delivered to them.

Service of criminal process by Police Officer.

XXIV. All summonses, subpœnas, and warrants issued in any criminal proceeding by a Commissioner or Deputy Commissioner of Police, or by any Magistrate of Police, shall be served and executed within the said Town of Calcutta by an Officer of the Police Force, and by none other.

Execution of Warrants.

XXV. When any warrant shall be directed or delivered to any such Officer, unless the authority issuing it shall order that it be executed without delay, such Police Officer shall deliver the same to the superior Officer in charge of the Division to which he belongs, who shall appoint, by endorsement thereon, one or more Police Officers to execute the same; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection, as if the same had been originally directed to him by name.

What offences summarily triable by Magistrates.

XXVI. When any person is charged before a Magistrate with having committed, within the said Town or within the limits of the Port of the said Town or of any navigable river or channel leading thereto, as such limits shall be defined under the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues,*) any of the offences specified in this Section, and in the opinion of the Magistrate the case is one which will be adequately punished by imprisonment of the description, or either of the descriptions, applicable by law to the offence for a term not exceeding six calendar months, or (where by law the offence is punishable with fine alone) by a fine not exceeding two hundred Rupees, or (in cases where by law both punishments may be imposed) by both such imprisonment and such fine, it shall be lawful for the Magistrate to proceed to try the case summarily, and on conviction to impose such punishment as aforesaid, and also to impose the punishment of whipping in lieu of, or in addition to, other punishment, in any case where by law the punishment of whipping may be imposed. Provided that, where the offence charged is one relating to moveable property, the Magistrate shall not try the case summarily, unless the value of such property does not exceed fifty Rupees. Provided also that nothing in this Section contained shall empower a Magistrate to impose any punishment for an offence in excess of that imposed for such offence by the Indian Penal Code.

The following are the offences above referred to:—

1. Offences under Sections 133, 134, 135, 136, 137, 138, or 140 of the Indian Penal Code.

2. Offences under Section 161 of the Indian Penal Code.

3. Contempts of the lawful authority of public servants, other than an offence under Section 181 of the Indian Penal Code.

4. Resistance or obstruction by a person to his lawful apprehension under Section 224 of the Indian Penal Code.

5. Resistance or obstruction to the lawful apprehension of another person under Section 225 of the Indian Penal Code.

6. Offences relating to weights and measures.

7. Offences relating to religion.

8. Attempts to commit suicide.

9. Voluntarily causing hurt under Section 321 of the Indian Penal Code.

10. Voluntarily causing hurt on provocation under Section 334 of the Indian Penal Code.

11. Doing an act rashly or negligently under Sections 336 or 337 of the Indian Penal Code.

12. Wrongful restraint under Section 341 of the Indian Penal Code.

13. Wrongful confiement under Section 342 of the Indian Penal Code.

14. Assault or criminal force under Sections 352, 353, 357, or 358 of the Indian Penal Code.

15. Theft under Section 379 of the Indian Penal Code.

16. Dishonest misappropriation or conversion of moveable property under Section 403 of the Indian Penal Code.

17. Dishonestly receiving or retaining stolen property under Section 411 of the Indian Penal Code.

18. Assisting in the concealment, disposing of, or making away with, stolen property under Section 414 of the Indian Penal Code.

19. Cheating under Sections 417, 418 or 419 of the Indian Penal Code.

20. Mischief under Sections 426, 428, or 434 of the Indian Penal Code.

21. Criminal Trespass under Sections 447, 448, 453, 461, or 462 of the Indian Penal Code.

22. Criminal breach of a contract of service.

23. Criminal intimidation, insult, or annoyance.

24. Attempts to commit any of the foregoing offences under Section 511 of the Indian Penal Code.

25. Abetment of any of the foregoing offences.

Summary jurisdiction of two Magistrates in certain cases.

XXVII. Whenever any person is charged before the Magistrate with any of the offences mentioned in the last preceding Section or with any of the offences of Hurt described in the Indian Penal Code Sections 319 to 338 both inclusive, and by reason of the value of the property forming the subject of such charge, or for any other cause, the offence is not by law summarily cognizable by a single Magistrate, and some material witness is about to leave the Town or Port of Calcutta, it shall be lawful for two Magistrates, upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of such witness) that the prosecution in Her Majesty's High Court of Judicature of the person so charged, will be ineffectual in consequence of the absence of such material witness, to hear and determine the charge summarily, and on conviction to sentence the offender to imprisonment, with or without hard labor, for a term not exceeding twelve months. Provided that it shall be lawful for the said two Magistrates, if they deem that the charge is from any circumstances fit to be made the subject of prosecution in the High Court rather than to be summarily disposed of, to commit the person charged for trial before the High Court of Judicature.

Restitution of stolen property to owner, or imposition of fine on offender.

XXVIII. Upon a summary conviction for any of the offences mentioned in the foregoing Sections, the Magistrate or Magistrates, as the case may be, may order the restitution to the owner of the property forming the subject of the charge, if the same be forthcoming; and in the case of its not being restored pursuant to such order, or of its not being forthcoming, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine to or for the benefit of the said persons.

Penalty for wilful trespass on property.

XXIX. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or any land or ground attached thereto, or on any boat or vessel, not thereby causing any actual damage, or on any ground belonging to Government, or appropriated to public purposes, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty Rupees.

Magistrate may make order of maintenance for wives and children.

XXX. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintin himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner hereinafter provided for levying fines; or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction. Provided also that if such person offers to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate to consider any grounds of refusal stated by such wife; and he may make the order aforesaid, notwithstanding such offer aforesaid, if he shall be satisfied that such person is living in adultery or that he has habitually treated his wife with cruelty.

Proviso.

Magistrate may compel immediate restoration of a woman or child detained for any unlawful purpose.

XXXI. Upon complaint made to a Magistrate on oath of the kidnapping, abduction, or detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, such Magistrate may, on satisfactory proof of such detention, make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

XXXII. Any person found between sun-set and sun-rise armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act; any reputed thief found between sun-set and sun-rise on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found between sun-set and sun-rise having his face covered or otherwise disguised, with intent to commit any offence; any person found between sun-set and sun-rise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house breaking—may be taken into custody by any Police Officer without a warrant, and shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding three months.

Apprehension and punishment of reputed thieves, &c.

XXXIII. Whoever, not being amenable to the Articles of War for Her Majesty's Army or Her Majesty's Navy, or for the Native Officers or Soldiers in Her Majesty's Indian Army, takes, or attempts to take, into Fort William at Calcutta, or into any Military Barracks, guard rooms, or encampments, within the Town of Calcutta or on board or alongside of any Vessel of War belonging to Her Majesty in the Port of the said Town, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, without the license in writing of the Commanding Officer, (unless such articles are intended for some person above the rank of Non-Commissioned Officer), shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees, or imprisonment for any term not exceeding two months, with or without hard labor; and such liquors, drugs, or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirits into Barracks or on board vessels of war.

XXXIV. Whoever takes, or attempts to take, without due permission, or throws, or attempts to throw, into any jail or house of correction or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for any term not exceeding two months.

Penalty for taking spirits &c., into Jail.

XXXV. Whoever in the Town of Calcutta has or keeps any Hotel, Tavern, Punch-house, Alehouse, Arrack or Toddy shop, or place for the sale of consumption of Ganja, Chundoo, or other preparation of Opium, Hemp, or other intoxicating drug, plant, or substance, or has or keeps any Coffee-house, Boarding-house, Eating-house, Lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license to be obtained in the manner hereinafter mentioned, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees for every day that the said house or place of entertainment is kept open or the sale of provisions, liquors, or refreshments is continued, without the necessary license. Provided that nothing in this Act shall apply to the sale in reasonable quantities of any drug, plant, or substance in any Chemist's or Druggist's shop for medicinal purposes only.

Penalty for keeping Hotel, &c., without a license.

XXXVI. No license shall be granted under the provisions of Act XI of 1849 (*for securing the Abkaree Revenue of Calcutta*) unless the person applying for such license shall produce a Certificate from the Commissioner of Police stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed and shall have remained in force under the provisions hereinafter contained at the date when such license shall be granted. No license so granted shall be renewable without a fresh Certificate as aforesaid previously obtained from the Commissioner of Police, subject to the order and control of the Lieutenant-Governor of Bengal.

Excise license not to be granted without Certificate of Commissioner of Police.

XXXVII. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit in such Certificate as aforesaid the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid and for the prevention of drunkenness and disorder among the persons frequenting or using the same, and from time to time to vary such conditions subject to such direction and control as aforesaid; and no license granted under the said Act XI of 1849 shall be valid, unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this Section.

Duration and conditions of license.

XXXVIII. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted to remove or cause to be removed any signboard or other notice which such person might have been theretofore bound under the conditions of his said license to keep affixed on or near the house or place of public resort or entertainment for which such license had been granted: and any person who shall fail to obey any such order forthwith, shall be liable, on summary conviction before a Magistrate, to a fine of ten Rupees for every day thereafter during which he shall so fail.

Penalty for keeping up a signboard or notice after expiry of license.

XXXIX. The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no license as is specified in the said Act XI of 1849 is required, upon such conditions, to be inserted in every such license, as he with the sanction of the said Lieutenant-Governor from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the preven-

Commissioner of Police may grant licenses for places for which no licenses are required under Act XI of 1849.

tion of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any time not exceeding one year.

Penalty for a breach of any condition of a license.

XL. Any person committing a breach of any of the conditions of a license granted either under Section XXXVI or Section XXXIX of this Act shall, on summary conviction before a Magistrate, be punishable by a fine not exceeding one hundred Rupees; and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Fee for Certificate and License.

XLI. For every Certificate or license granted by the Commissioner of Police under this Act, there shall be levied a fee of two Rupees.

Penalty for harbouring and concealing deserters from merchant vessels.

XLII. Whoever, in any place within the said Town, wilfully harbours or conceals any seaman or apprentice belonging to any vessel other than a vessel of the Navy of the Queen, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees.

Brothels.

XLIII. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house, and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

Penalty for owning, or keeping, or being employed in a gaming-house, &c.

XLIV. Whoever, being the owner or occupier, or having the use of any house, room, or place, opens, keeps, or uses the same as a common gaming-house, and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be opened, kept, or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so opened, kept, or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for being found playing in a gaming-house.

XLV. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

XLVI. If the Commissioner of Police or a Magistrate upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any Inspector or superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming, and to seize all instruments of gaming, and all moneys, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody, and to seize and take possession of all instruments of gaming found upon such search.

Common gaming-houses.

XLVII. When under the provisions of the last preceding Section any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

On conviction for keeping a common gaming-house instruments of gaming to be destroyed, &c.

XLVIII. On conviction of any person for keeping any such common gaming house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

XLIX. It shall not be necessary, a order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

L. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall make true and faithful

discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Portion of fine may be paid to informer.

LI. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections XLIV and XLV of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under Section XLVIII, to be paid to an informer.

Gambling in the streets.

LII. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming in any public street, place, or thoroughfare, or publicly fighting cocks or present as a spectator of such cock-fighting; and such person shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month, and such instruments of gaming and money shall be forfeited.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

LIII. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker or dealer in second-hand property or money-changer regarding property stolen or fradulently obtained, shall then be or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Station, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty, to be imposed by a Magistrate on summary conviction, not exceeding fifty Rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Taking pledge from child under the age of fourteen.

LIV. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from such child any article whatsoever, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred Rupees.

Standard weights and measures.

LV. The Commissioner of Police shall keep in his Office standard weights and measures; and weights and measures shall be held to be false when they do not agree with such standards.

Powers of Inspector, &c., to enter shops to seize false weights and measures.

LVI. Any Inspector or superior Officer of Police may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

Manufacture or possession of Gunpowder.

LVII. Whoever manufactures Gunpowder or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of Gunpowder than ten pounds, shall be liable, on summary conviction before a magistrate, to a fine not exceeding five hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.

LVIII. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing Gunpowder.

LIX. The Commissioner of Police may grant to any person a license for the transit and carrying of Gunpowder from one place to another, in such manner and in such quantity as he may deem advisable, and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of Gunpowder than one pound from one place to another, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Commissioner of Police may issue warrant to search for Gunpowder, &c.

LX. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day time any house, shop, magazine, or other building or place in which he has reasonable ground to suspect that any Gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any Gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government Gunpowder, &c.

LXI. None of the four last preceding Sections shall extend to any Government magazine or store or building for the making or deposit of Gunpowder under the authority or for the use of the Government, or to any Gunpowder belonging to Her Majesty.

The regulation of public processions, &c. and of carriages and persons at places of public resort.

LXII. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescrib-

ing the routes by which, and the times at which, such processions may pass; and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies. Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees.

Licenses for use of music in streets.

LXIII. No boat shall ply for passengers in the Port of Calcutta unless duly registered at the Police Office. The following particulars shall be entered in the Register:—

Passenger boats to be registered.

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one Rupee shall be paid on registration.

Registration.

The owner or manjee of every such registered boat shall cause to be painted on a conspicious part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Name of owner or manjee, number, &c., to be painted.

The owner or manjee of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew, than is stated in the register, or not having the prescribed particulars painted on it, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Penalty.

LXIV. The Commissioner may refuse to register any boat, or may cancel the registration thereof whenever it may appear to him to be in an unsafe state.

Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.

LXV. Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjee, or, if the manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the manjee or the owner, as the case may be, without lawful excuse, neglect or delay to make such report, he shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

LXVI. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees:—

Penalty for the following offences in public streets, &c.

1. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police.

Driving, &c., elephant or camel.

2. Whoever drives any vehicle of any description, at any time between three quarters of an hour after sun-set and one hour before sun-rise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moon-light to render such light unnecessary.

Driving a vehicle without a sufficient light.

3. Whoever, without reasonable cause, shall drive a carrage, cart, or other vehicle otherwise than on the left or near side of the road.

Driving vehicle otherwise than on left side of the road.

4. Whoever exposes for show, hire, or sale any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage, or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

Exposing for show horses, cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

5. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle so as to cause mischief or obstruction.

Negligence in driving cattle.

6. Whoever being in charge of a cart, carriage or horse, leaves it at such a distance as not to have the same under due control.

Leaving cart, &c., without control.

7. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage, or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing road or thoroughfare by carriage, &c.

8. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck upon any foot-way, or fastens any horse or animal so that it can stand across or upon any foot-way.

Obstructing foot-way.

9. Whoever beats a drum or tom-tom or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil except at such times and places as shall be, from time to time, allowed by the Commissioner of Police.

Beating drums, tom-tom, &c.

10. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Driving a cart with insufficiently greased wheels.

11. Whoever sets fire to, or burns, any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare, except at such times and places as shall from time to time be allowed by the Commissioner of Police.

Lighting fires and discharging guns, fire-works, &c.

12. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Illaminations.

13. Whoever, without the consent of the owner or occupier, affixes any bill or notice or any paper against or upon any building, wall, or fence, or writes upon, defaces, or marks any such building, wall, or fence with chalk or paint, or in any way whatsoever.

Affixing bills, or otherwise defacing houses, &c.

14. Whoever bathes or washes himself in any public street, or in, upon, or by the side of, any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Bathing, &c., in public street or acqueduct.

15. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs at or near such place, or in any other way.

Obstructing persons at bathing places.

LXVII. Whoever cruelly beats, illtreats, abuses, or tortures, or causes or procures to be cruelly beaten, ill-treated, abused, or tortured any animal, shall, for every such offence, be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees, and in default thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

Cruelty to animals.

LXVIII. Whoever is found drunk and incapable of taking care of himself in any street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten Rupees, or to imprisonment, with or without hard labor, for a term not exceeding twenty-four hours.

Penalty for drunkenness, or riotous or indecent behaviour in public.

LXIX. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in or by the side of or near to any public street or thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten Rupees, or, in default thereof, to imprisonment, with or without hard labor, for fourteen days.

Penalty for committing nuisance in streets.

LXX. Whoever, in any public road, street, thoroughfare, or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for or obtains alms by means of any false statement or pretences, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding one month.

Beggars.

LXXI. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall for such purpose be, from time to time, appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so impounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound the fee of eight annas for every goat, sheep, or hog, and one Rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animals, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to any Fund applicable to Police purposes.

Stray animals to be impounded and sold unless redeemed within ten days.

LXXII. Any Police Officer may arrest, without a warrant, any person committing, in his view, any of the offences described or referred to in this Act.

Police Officer may arrest without warrant on view of offence.

LXXIII. Any Police Officer may take into custody, without warrant, any person who is charged with causing hurt, in every case in which he shall have good reason to believe that hurt has been caused, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

Police Officer may take into custody, without warrant, persons charged with having recently caused hurt.

LXXIV. Whoever commits an offence on or with respect to the person or property of another, or, in committing any of the offences described or referred to in this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Apprehension of offenders by private individuals.

LXXV. If any person lawfully apprehended under the last preceding Section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred Rupees.

Penalty for assaulting or forcibly resisting a person who apprehends under the preceding section.

LXXVI. Every person taken into custody without a warrant by a Police Officer shall be taken to the Station House, in order that such person may be detained until he can be brought before a Magistrate,

Persons taken into custody by a Police Officer without warrant may be detained in Station House, until brought before a Magistrate or bailed.

or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Power to take recognizances at the Station House upon certain charges.

LXXVII. Whenever any person is brought to a Station House charged with any offence against this Act, or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and 25 in Section XXVI of this Act; or whenever a person is in the custody of any Police Officer without a warrant, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

LXXVIII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before the Magistrate at his next sitting, and all persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum (not exceeding one thousand Rupees) thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search-warrant.

LXXIX. If information shall be given on oath to the Commissioner of Police, or to a Migistrate, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, or any ship or vessel, the Commissioner or the Magistrate, by special warrant under his hand directed to any Police Officer, may cause such dwelling-house, building, or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant; and the said Commissioner or Magistrate, if it shall appear to him necessary, may empower such Police Officer, with such assistance as may be found necessary, (such Officer having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen, or otherwise unlawfully obtained.

Power to search houses for stolen property without a warrant in certain cases.

LXXX. If information shall be given to any Officer of Police not below the rank of Inspector that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always, that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided further, that the person who lost the goods, or his representative, accompany the Officer in the search.

Seizure of stolen property.

LXXXI. It shall be lawful for any Police Officer to seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Disposal of stolen property in custody of Police.

LXXXII. If any property, charged to be stolen or fraudulently obtained, shall be in the custody of any Police Officer by virtue of any warrant of a Magistrate, or in prosecution of any charge of an offence against the Indian Penal Code in regard to the obtaining thereof, and the person charged with such offence shall not be found, or shall have been summarily dealt with or discharged, or shall have been tried and acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in the charge upon which he shall have been found guilty, or if any property shall have been seized by a Police Officer under the two last preceding Sections, it shall be lawful for any Magistrate to make an order for the delivery of such property to the party who shall appear to be the rightful owner thereof; or, in case the owner cannot be ascertained, then to make such order with respect to the property as to the Magistrate shall seem meet. Provided always that no such order shall be any bar to the right of any person to sue the party to whom the property shall be delivered, and to recover such property from him by action at law, so that the action be commenced within two months next after such order shall have been made.

Magistrate may proceed by summons, and if party does not appear, may issue warrant.

LXXXIII. Upon any information or complaint, which need not be upon oath, laid or made before a Magistrate of Police of any matter which such Magistrate is by law authorized to hear and determine summarily, he may summon the person charged to appear at a time and place to be

mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shewn for the non-appearance of the person charged, to hear and determine the case in his absence; or in such cases, and in all criminal cases, may, if he think fit, upon oath being made before him substantiating the matter of such information or complaint to his satisfaction, issue his warrant for apprehending and bringing the person charged before him or some other Magistrate, in order that the said information or complaint may be heard and determined.

In cases not of a criminal nature, Magistrate may proceed in the absence of the person summoned.

Provided always that the prosecution for any offence not of a criminal nature, punishable upon summary conviction by virtue of this Act, shall be commenced within three months after the commission of the offence, and not otherwise.

Prosecution for such offences to be commenced within three months.

LXXXIV. Every such summons shall be served by delivering the original or a copy thereof to the person charged, or by leaving the same at his usual place of abode with some adult male member or servant of his family.

How summons may be served.

LXXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him whenever good grounds for so doing shall be stated on oath before him.

Magistrate may issue warrant without summons when grounds for doing so are stated on oath.

LXXXVI. A Magistrate may summon any person within his jurisdiction to appear before him, at a time and place appointed, as a witness in any matter cognizable by the Magistrate, and to bring with him any document or thing that may be required relating to any offence with which any person is charged before him; and may administer to such person an oath to testify the truth in such matter. If any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, the Magistrate may (after proof upon oath of the summons having been served upon such person either personally or by leaving the same at his usual place of abode with some adult male member or servant of his family) issue a warrant to bring such person before him to testify as aforesaid.

Magistrate may enforce attendance of witnesses.

And administer oath.

LXXXVII. For every summons issued by the Commissioner of Police or a Magistrate under this Act, there shall be paid a fee of eight annas, and for every subpœna so issued there shall be paid a fee of four annas. Provided that it shall be lawful for such Commissioner or Magistrate in any case to remit such fee or fees if he shall be satisfied that the party complaining is unable to pay the same, or if the complaint is made by any Police Officer in execution of his duty.

Fees on summons and subpœna.

Proviso.

LXXXVIII. When any Magistrate is desirous of examining any prisoner confined in a Civil or Criminal Jail as a witness or defendant with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Superintendent or Officer in charge of the said Jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office for examination, and the Superintendent or Officer in charge of the said Jail, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

Power to Magistrates to order prisoners to be brought up to the Police Office.

LXXXIX. Whoever gives false evidence in any Judicial proceeding before a Magistrate, may be committed by such Magistrate for trial before Her Majesty's High Court of Judicature.

Giving false evidence.

XC. The Magistrate may, from time to time, adjourn the hearing of any information or complaint to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective counsel, attorneys, or agents then present, and in the mean time the said Magistrate may suffer the defendant to go at large, or may discharge him upon his entering into a recognizance, with or without surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and, in default of such recognizance, or if the offence with which such person is charged is not a bailable offence, may detain him in custody; and if at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel, attorneys, or agents respectively, before the said Magistrate, or such other Magistrate as shall then be there, it shall be lawful for the Magistrate then there present to proceed, in cases which are not of a criminal nature, to such hearing or further hearing, as if such party or parties were present; and in all cases where the prosecutor or complainant shall not so appear, the said Magistrate may dismiss such information or complaint, with or without costs, as to such Magistrate shall seem fit.

Power to Magistrate to adjourn the hearing of case and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance.

In cases not of a criminal nature, Magistrate may proceed with the further hearing in the absence of parties.

In all cases if prosecutor fails to appear, complaint may be dismissed.

XCI. It shall be lawful for any Magistrate, who shall hear and determine any information or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint; and such costs shall be recoverable in the manner hereinafter provided for levying fines.

Power to award costs on hearing of information or complaint.

XCII. In every case in which any person shall be given in charge to a Police Officer, or in which any information or complaint of any offence shall be laid or made before any Magistrate, and shall not be

Amends may be awarded for charges made on insufficient grounds.

further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends not exceeding fifty Rupees, to be paid by the informer or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner hereinafter provided for levying fines.

Levy of fines.

XCIII. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and, in such case, or if such warrant shall have been issued, and, upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall by warrant commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Distress not unlawful for want of form, &c.

XCIV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto: nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

If Magistrate certifies the non-appearance of a person pursuant to his recognizance, the sum acknowledged may be recovered as a fine.

XCV. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance, and thereupon the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines.

Recognizances for keeping the peace or for good behaviour.

XCVI. *Clause* 1.—Every Magistrate of Police shall have the same authority to require persons to enter into recognizances to keep the peace, or to be of good behaviour, as may lawfully be exercised by a Justice of the Peace.

If such recognizance do not exceed 200 Rupees, the amount, upon conviction, if forfeited, may be recovered as a fine.

Clause 2.—If any person who has entered into a recognizance in any amount not exceeding two hundred Rupees, to keep the peace or to be of good behaviour, before any Magistrate of Police or any Justice of the Peace, by any act forfeits such recognizance, the Magistrate or other authority before whom he may be convicted of any act by which such recognizance is forfeited shall, when applied to, certify any such conviction on the back of such recognizance, and thereupon the sum thereby acknowledged to be due by such person shall be recoverable in the manner provided by this Act for levying fines.

Proceeding against sureties.

Clause 3.—Whenever it shall be shewn to the satisfaction of a Magistrate of Police, either by the production of such certificate of conviction as is mentioned in the preceding Clause or otherwise, that any such recognizance is forfeited, the Magistrate, if he think that proceedings should be had against the sureties, shall give notice to them to pay the sums which by their recognizances they have respectively acknowledged themselves to owe, or to shew cause, on a day to be named in such notice why the said sums should not be paid; and if no sufficient cause shall be shewn, the said sums shall be recoverable in the manner provided by this Act for levying fines.

Form of Judgment.

XCVII. Any Magistrate in cases adjudged summarily under the provisions of Section XXVI of this Act shall cause the judgment to be drawn in the form (B) hereinafter provided, or to the like effect.

On what grounds conviction may be quashed. Form of conviction, &c.

XCVIII. No conviction, order, or judgment of any Magistrate shall be quashed for error of form or procedure, but only on the grounds of want of jurisdiction or absence of any legal evidence or error of law; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Limitation of action.

XCIX. *Clause* 1.—All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action,

Notice of action.

and of the cause thereof, shall be given to the defendant one month at least before the commencement

of the action; and in every such action it shall be expressly alleged in the plaint that the act complained of was done maliciously and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be non-suited and a verdict shall be given for the defendant.

Clause 2.—The defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

Plea.

Tender of amends.

Costs.

C. Whenever any person dies intestate within the said town leaving moveable property therein under two hundred rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof; provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant, or by such other evidence as he may require.

Movable property under two hundred Rupees in value of persons dying intestate may be taken charge of by Police and delivered to party claiming to be entitled thereto.

CI. The Commissioner of Police may at his discretion, before making any order under the preceding Section, take such security as he may think proper for the due administration and distribution of such property. And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Commissioner of Police may take security for due administration and distribution of such property.

Saving of right of other person claiming.

CII. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Stray dogs to be killed at certain appointed periods.

CIII. Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act (1852) has, by an order of Her Majesty in Council, been, or shall hearafter be, declared to be applicable, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign power, may, until a revocation of such order in Council shall have been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, on deposit being first made of such sum as the Magistrate shall deem necessary for the subsistence of the deserter during such detention; provided that the detention of such deserter shall not be continued beyond twelve weeks.

Foreign Deserter.

SCHEDULE OF FORMS.

FORM A.—*(Referred to in Section XIII.)*

A. B. has been appointed a Superintendent, Inspector, Jemadar, Darogah, or Peon, *(as the case may be)* in the Calcutta Police Force and is vested with the powers, functions, and privileges of a Constable.

FORM B.—*(Referred to in Section XCVII.)*

Be it remembered that, on the day of in the year of our Lord before me ( ) Magistrate of Police in and for the Town of Calcutta, C. D. is *(convicted or acquitted)* on a charge of *(here specify the alleged offence and the time and place when and where the same was committed, as the case may be,)* and I, the said Magistrate of Police, believe the value of the property, the subject of the charge, to amount to a sum not exceeding fifty Rupees, that is to say Rupees; and I adjudge the said C. D. *(here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)*

(Signed) ———

WALKER MARSHALL,

Asst. Secy. to Govt. of Bengal,

Legislative Department.

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 24th March 1866, and having been assented to by His Excellency the Governor General on the 29th idem, is hereby promulgated for general information :—

ACT No. V OF 1866.

An Act to make better provision for the regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to make better provision for the Regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta ; It is enacted as follows :—

Act I of 1864 repealed.

I. From and after the passing of this Act, Act I of 1864 passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta," shall be and the same is hereby repealed, save and except as to matters done, penalties incurred, and proceedings pending under the last mentioned Act.

Registration of Hackney Carriages.

Carriages to be annually registered.

II. Every Hackney Carriage, within the Town and Suburbs of Calcutta, shall be annually registered by a Registering Officer, who shall be appointed for the purpose by the Government, and who shall keep a Register in which he shall enter every Hackney Carriage, under either the First, the Second, or the Third Class. Every act, matter, or thing done by the Registering Officer under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioner of Police, so far as the Town and Suburbs of Calcutta are concerned ; and in respect of other Towns and places, of such other Officer as the said Lieutenant-Governor shall in that behalf appoint.

Registering Officer to be under the control of the Commissioner of Police.

Time and duration of registry.

III. The year of registration shall commence on the first day of April of each year ; and every registration made on any date within such year of registration shall be in force to the end thereof and no longer. The Registering Officer shall, at the time of registration, deliver a license to the owner of every Hackney Carriage registered as aforesaid. Such license shall contain the particulars hereinafter described, and shall be in force for the year of registration and no longer.

License to be delivered to owner.

Application for registry.

IV. The owner of any Carriage who is desirous of registering it as a Hackney Carriage must apply to the Registering Officer, stating the Class in which he desires that the Carriage may be registered ; and he shall submit the Carriage for the inspection of the Registering Officer at such convenient time and place as the said Officer shall appoint. The Registering Officer shall, on examination of the Carriage, decide whether the Carriage is fit to be registered in the Class applied for, and shall accordingly either register it in that Class, or refuse to grant the application. The person in whose name any Carriage is registered, shall be deemed the owner of such Carriage for the purposes of this Act. Provided that no Carriage shall be registered under the First Class, unless the same belong to a Coach Builder, Hotel keeper, or Livery Stable-keeper, and do not ply for hire in the public streets.

Application may be granted or refused.

What Carriages to be registered under First Class.

Form of Register and License.

V. The following particulars shall be entered in the Register and shall be specified in the License to be given to the owner :

1*st*.—The Class and the number assigned to the Carriage in the Register.

2*nd*.—The name and residence of the owner of the Carriage.

3*rd*.—The number of horses to be employed in drawing such Carriage.

4*th*.—The number of persons the Carriage is licensed to carry.

Fee for Registration.

VI. A fee of three Rupees shall be paid for each registration of a Carriage of the First Class, and a fee of two Rupees for each registration of a Carriage of the second or Third Class under this Act.

Registering Officer may compound with owners of First Class Carriages.

VII. The Registering Officer may at his discretion compound, for any period not exceeding one year, with Livery Stable-keepers, and other persons keeping Carriages of the First Class for hire, for a certain sum to be paid in lieu of all fees payable during that period for the registration of such Carriages.

Registry may be cancelled when Carriage is unfit for use.

VIII. The Registering Officer may cancel the registration of any Carriage under this Act, whenever it shall appear to him that such Carriage, or any Horse or Harness used with such Carriage, is unfit for public use, due regard being had to the Class in which such Carriage is registered.

Notice to be given on change of ownership.

IX. Whenever any change shall take place in the ownership of a Hackney Carriage, if the person to whom such Carriage shall have been transferred shall desire to use it as a Hackney Carriage, he shall, before so using it, give to the Registering Officer notice in writing of such transfer, and of his name and place of abode. If any such person

shall, before giving such notice as aforesaid, use such Carriage as a Hackney Carriage, he shall be liable to a fine not exceeding five Rupees for every day during which he shall so use the same.

Owners and drivers of Carriages to give notice of change of residence.

X. Whenever the owner or driver of a Carriage registered under this Act shall change his residence, he shall give notice thereof in writing signed by him to the Registering Officer, specifying in such notice his new residence. Every such owner or driver who shall change his residence, and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding ten Rupees.

Registrar to enter change of residence or ownership without fee.

XI. The Registering Officer, on receiving the notices specified in either of the two last preceding Sections, shall make the necessary alteration in the Register, and no fee shall be chargeable in respect thereof.

Penalty for not registering.

XII. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred Rupees. Any Police Officer may seize and remove to a Police Station such Carriage together with the Horse or Horses drawing the same. If the Carriage so seized be not claimed, and if any fine imposed be not paid, within ten days, such Carriage, together with the Horse or Horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

Plate on Hackney Carriage.

A plate, specifying class and number, to be affixed to Carriage.

XIII. Upon the registration of any Carriage in the Second or Third Class, the Registering Officer shall provide a plate bearing the Class and the number of such Carriage in the Register and the number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such Carriage as shall to the said Registering Officer seem proper.

Penalty for letting Carriage without having proper plate.

XIV. If any Carriage shall be let or used for hire without having a proper plate duly affixed as required by the preceding Section, the owner thereof shall be liable to a penalty not exceeding fifty Rupees.

Owner entitled to have new plate, on loss or obliteration of former one.

XV. Whenever the writing on any plate shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the owner of the Carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three Rupees, as the Registering Officer shall from time to time appoint.

Lost plate, if found, to be delivered to Registering Officer.

Provided that if any plate which shall have been proved, as aforesaid, to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become obliterated, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty Rupees.

Penalty on owner for not delivering up plate on expiration of Registration.

XVI. On the expiration or other determination of the registration, the owner of any Carriage registered as aforesaid shall cause the plate of such Carriage to be delivered to the Registering Officer. Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said Officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate, within twelve calendar months after the expiration of the registration in respect of which such plate was affixed.

Penalty for fraudulently using a counterfeit plate.

XVII. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred Rupees; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Drivers' License.

Drivers of Hackney Carriages to be licensed. Particulars thereof.

XVIII. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name, and place of abode, and age, of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof, unless the same shall be sooner revoked. And for each such license a fee of two Rupees shall be paid.

Penalty on driver not having license or lending license.

XIX. If any person shall act as the driver of a Hackney Carriage without having a license in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person, he shall be liable to a penalty not exceeding twenty Rupees,

and in default of payment to imprisonment for a period not exceeding one month.

Penalty on owner for suffering unlicensed person to act as driver.

XX. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Carriage registered under this Act of which he shall be the owner, shall be liable to a penalty not exceeding one hundred Rupees for every such offence. Provided that such owner so employing or knowingly suffering to act as driver any person who has not been duly licensed under this Act, shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Certified copies of the particulars of license to be given on payment of fee.

XXI. The particulars of every license which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the Office of the said Registering Officer; and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of two annas.

Drivers' Ticket.

Driver to wear a metal ticket.

XXII. The Registering Officer shall, at the time of granting a license to any driver of a Hackney Carriage of the Second or Third Class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view. In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten Rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month.

Driver entitled to have new ticket on loss or obliteration of former one.

XXIII. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted, shall deliver such ticket (if he shall have the same in his possession), and shall produce such license, to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not exceeding one Rupee, as the Registering Officer shall from time to time appoint. Provided, always, that if any ticket, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act, who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence be liable to a penalty not exceeding twenty Rupees.

Penalty for neglecting to deliver up ticket, lending ticket, &c.

XXIV. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said Registering Officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said Officer, and also every person who shall use, or wear, or detain any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person, to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall for every such offence be liable to a penalty of twenty Rupees, and in default of payment to imprisonment for a period not exceeding one month. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within twelve calendar months after the expiration of the license.

Penalty for using or having a counterfeit ticket.

XXV. Every person who shall for the purpose of deception use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall for every such offence be liable to a penalty not exceeding one hundred Rupees. And it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Conviction to be endorsed on driver's license. Penalty for failing to produce.

XXVI. Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license, shall for every such offence be liable to a fine not exceeding five Rupees. It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

Revocation or suspension of driver's license on his conviction of any offence.

XXVII. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same: and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket, or either of them, shall be liable to a penalty not exceeding twenty Rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every ticket delivered up to him under this Section, to the Registering Officer, who shall cancel such license if it has been revoked by the Magistrate,

or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the Registering Officer) to the person to whom it was granted.

Fares—Hiring—and Plying for hire.

Fares to be paid for Carriages of the Second and Third Class.

XXVIII. The owner or driver of every Hackney Carriage registered in the Second or Third Class, shall be entitled to demand and take for the hire of such Carriage the fares set forth in the Schedule (A) to this Act annexed. Provided, always, that when the owner or driver of any such Hackney Carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged. Provided also that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXIX. The owner of every Hackney Carriage of the Second or Third Class shall put up, and at all times keep distinctly printed, painted, or marked in the English, Oordoo, and Bengalee Languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such Carriage as a Hackney Carriage; and the owner of every such Carriage who shall fail to comply with the provisions of this Section shall, for each offence, be liable, on conviction, to a fine not exceeding ten Rupees.

To what distance and at what rate of speed driver to be bound to drive.

XXX. The driver of every Carriage of the Second or Third Class registered under this Act, shall, (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired. Provided, always, that when any such Carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such Carriage shall be required to drive more than four miles within one hour then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule. Any such driver who shall not drive his Carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten Rupees, or in default to rigorous imprisonment for a period not exceeding one month.

First and Second Class Carriage to carry reasonable quantity of luggage.

XXXI. The driver of every First and Second Class Carriage registered under this Act, shall carry in or upon such Carriage a reasonable quantity of luggage for every person hiring such Carriage, without any additional charge.

Penalty for refusing to let a Carriage for hire.

XXXII. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall without sufficient reason refuse to let such Carriage for hire, shall be liable on conviction to a fine not exceeding fifty Rupees, and to pay such further sum, by way of compensation to the party complaining, as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act. And when any such Hackney Carriage shall be standing on any premises which under this Act may have been declared to be a public Stand, the owner of the said premises shall be deemed to be the person in charge of such Hackney Carriage within the meaning of this Section.

Penalty in case of drunkenness, or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

XXXIII. Every driver of a Hackney Carriage who shall be drunk during his employment, or make use of insulting or abusive language or gesture; or who shall (elsewhere than at some Stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road, or place; or who shall suffer his Carriage to stand for hire across any street, or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage; or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage; or who shall wrongfully prevent or endeavour to prevent the driver of any other Carriage from being hired; or who shall demand or take more than the proper fare to which he is legally entitled; or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers; or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act; or who, being hired by time, shall before he has been discharged by the hirer desert from the hiring; or who shall ply for hire with any Carriage or Horse which shall be at the time unfit for public use—shall be liable to a penalty not exceeding ten Rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month.

Penalty on drivers absenting themselves from their employment.

XXXIV. Any driver employed as such by the owner of any Carriage registered under this Act, who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purpose of driving any such Carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding

ten Rupees, (which, or any part of which, may by order of the Magistrate be paid to the owner as compensation,) and in default of payment to rigorous imprisonment for a term not exceeding one month.

Proprietors of Carriages may be summoned to appear and produce the drivers.

XXXV. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty Rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him. Provided that, if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

Penalty for refusing to pay legal fare, and evading payment thereof.

XXXVI. If any person who shall have hired a carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable: and in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act: and if any hirer who shall have used any such carriage, shall attempt to evade payment of his fare, he shall be liable on conviction to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying, &c., table of fares.

XXXVII. Any person who shall maliciously or knowingly tear, destroy, or remove any table of fares which shall have been put up under the provisions of Section XXIX of this Act, shall be liable on conviction to a fine not exceeding twenty Rupees, and any portion of such last mentioned fine may be awarded to the owner of the Hackney Carriage to which such table of fares shall have been affixed.

Penalty for wilful injury to Carriage.

XXXVIII. Any person using a Carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty Rupees and shall also pay, to the owner of the Carriage, compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and may be recovered in the same way as fines are recoverable under this Act.

Disputes how to be settled.

XXXIX. In case of any dispute between the hirer and driver of any Hackney Carriage of the Second or Third Class registered under this Act, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police Officer. Such Police Officer shall thereupon take the driver and hirer, together with the carriage and horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

Table of Distances signed by Registering Officer conclusive.

XL. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said Officer.

Second and Third Class Carriages may ply as Stage Carriages.

XLI. It shall be lawful for any Hackney Carriage of the Second, or of the Third Class, to ply for hire as a Stage Carriage. The owner or driver of a Carriage so plying for hire, or hired as a Stage Carriage, shall not be subject to the provisions of Section XXVIII of this Act; but shall be entitled to demand and take, for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of a Hackney Carriage plying as a Stage Carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

XLII. The Registering Officer shall, from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for Carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Houses, or Stables, or Sheds or other suitable places. Every Public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and Bengalee Languages, that the Stand is a public Stand under this Act.

Palankeens.

Registration for Palankeens.

XLIII. Every Palankeen plying for hire within the Town or Suburbs of Calcutta shall be annually registered by the Officer appointed for registering Hackney Carriages, at the time and in the manner hereinbefore provided with respect to the registration of Hackney Carriages; and upon each registration a fee of eight annas shall be paid: Provided that the Registering Officer may refuse to register any Palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

What Register shall contain.

XLIV. The following particulars shall be entered in the Register, namely, the number of the Palankeen, and the name and residance of the owner; and every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of Hackney Carriages.

Number must be painted on Palankeen.

XLV. The owner of every Registered Palankeen shall cause the Registered number thereof to be painted in English and Ben-

galee figures on a conspicuous part thereof. The owner of any Palankeen plying for hire without being registered or having the number affixed thereto as aforesaid, shall be liable to a penalty not exceeding ten Rupees. The person in whose name a Palankeen is for the time being registered, shall be deemed the owner thereof for the purposes of this Act.

Penalty in case of neglect to register or omission to have number painted.

XLVI. The owner of every Palankeen shall put up and at all times keep distinctly printed, painted, or marked, in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer on the inside of such Palankeen, the amount of fare, according to distance and time, which may be legally demanded and taken from the hirer of such Palankeen.

Table of fares must be exhibited in Palankeen.

XLVII. The owner or person in charge of every Palankeen shall be entitled to demand and take for the hire of such Palankeen the fares set forth in the Schedule (B) to this Act annexed. Provided that, when the owner or person in charge of any such Palankeen to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Palankeen for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the Palankeen from the place at which it was discharged: Provided, also, that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Fares for Palankeens.

XLVIII. It shall not be lawful for any person to act as the bearer of a registered Palankeen, unless such person shall have obtained a license from the Registering Officer in manner hereinbefore prescribed for drivers of Hackney Carriages; and all the provisions of this Act in any way relating to the taking out, granting, renewing, or producing the licenses, or to the issuing, granting, wearing, or using tickets granted to drivers of Hackney Carriages, shall be applicable in like manner to the bearers of Palankeens. For every license to act as a Palankeen bearer, granted under this Act, there shall be paid a fee of eight annas.

Registry of Palankeen bearers, and provisions relating to them.

XLIX. The bearers of every Palankeen registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such Palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour. Whenever the bearers of such Palankeen shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule (B), for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All and every the provisions of this Act, as to offences committed by or against the owners and drivers of Hackney Carriages, and the penalties in respect of the same, and recovery thereof, and all the remedies by or against hirers, owners, or drivers of Hackney Carriages, and all and several the remedies given to hirers, owners, and drivers of Hackney Carriages, except the provision contained in Section XXXV. shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankeens.

To what distance and at what rate of speed bearers of Palankeen bound to go.

Miscellaneous.

L. The driver of every Hackney Carriage and bearers of every Palankeen within the limits of this Act, wherein any property shall be left by any person, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest Police Station, and shall there deposit and leave the same with the Inspector or other Officer on duty. And any such driver or bearer making default herein shall be liable to a penalty not exceeding fifty Rupees. And the said Officer with whom any such property shall be deposited, shall forthwith enter, in a book to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award. Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

Property left in Carriages or Palankeens to be deposited at the Police Office.

LI. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Section LXI of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta or in any Town or place to which this Act shall be extended as hereinafter provided; and the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, entitled "the Calcutta Police Act 1866," or any other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines

Adjudication of penalties.

and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Disposal of penalties and fees.

All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

LII. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends, not exceeding twenty Rupees, to be paid by the complainant to the person complained against, or to the owner of a Carriage if summoned under Section XXXV of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Amends for frivolous complaints.

LIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say) :—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any Town or place to which this Act shall be extended as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town, or place, the powers vested by this Act in a Magistrate.

"Magistrate."

The words "Hackney Carriage" in this Act shall mean any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof: Provided always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

"Hackney Carriage."

The words "Stage Carriage" in this Act shall mean any Hackney Carriage the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Stage Carriage."

The term "Horse" shall include Mules and Ponies.

"Horse."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender, shall include the feminine.

Gender.

LIV. It shall be lawfull for the Lieutenant-Governor of Bengal, by a notification to be published in the Calcutta Gazette, to extend the provisions of this Act to any other Towns or places within the Provinces under his control.

Power to extend the Act.

SCHEDULE (A).—(referred to in Section XXVIII.)

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes.

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
Second Class ...	6 Annas.	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annas.	6 Annas.	2 Rupees.	3 Rupees.
Third Class ...	3 Annas.	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the Fare to be paid according to time.

SCHEDULE (B.)—(referred to in Section XLVII.)
Rates and Fares to be paid for Palankeens.

Fare by Distance.		Fare by Time.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas.	After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed ...	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed the Fare to be paid according to time.

WALKER MARSHALL,
Asst. Secy. to the Govt. of Bengal, Legislative Dept.

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 29th March 1866, and having been assented to by His Excellency the Governor General on the 2nd April 1866, is hereby promulgated for general information:—

ACT No. VI OF 1866.

An Act to amend Act VI of 1863 *passed by the Lieutenant-Governor of Bengal in Council (An Act to vest the property of the Town of Calcutta and the management of its Municipal Affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for levying Rates and Taxes therein.)*

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Certain Sections of Act VI of 1863, repealed.

I. Sections XIX, XXXVIII, XL, XLIV, LIII, LVIII, LIX, LXI, LXIII, LXIV, LXXIV, LXXVII, XCVIII, CXXI, CXLV, CXLVII, CLV, and CLXXXIII, of the said Act VI of 1863, are hereby repealed.

Interpretation of "Bazar."

II. The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

Time for holding Quarterly and Ordinary Meetings.

III. There shall be four Quarterly Meetings in every year, and one Ordinary Meeting in every month, at which the Justices shall meet for the transaction of general business. The Quarterly Meetings shall be held at eleven o'clock in the forenoon of the fifteenth day of the months of January, April, July, and October, and the Ordinary Meetings at the same hour on the eleventh day of every month; and if any such day shall happen to be a holiday allowed by Government, then on the next succeeding day which shall not be such a holiday. Provided that no Ordinary Meeting need be called if there be no business to be laid before it by the Chairman or by any of the Justices.

Business at Ordinary and Quarterly Meetings of Justices.

IV. The Justices shall, at a Special Meeting to be convened for that purpose within fifteen days after this Act comes into operation, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said Ordinary and Quarterly Meetings: and no business save such business, shall be transacted at such Meetings; Provided nevertheless that it shall be lawful for the Chairman to postpone the discussion of any question that may be raised at any such Meeting, and to refer the determination thereof to a Special or Special General Meeting to be convened within fourteen days thereafter.

Owners of carriages, &c., to take out license.

V. The owner of every carriage, horse, pony, or mule kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the Office of the Justices, a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the vehicles and animals specified in such statement, according to the rates

given in Schedule A. to the said Act annexed. Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of a carriage, horse, pony, or mule so kept, shall, within a week of becoming so possessed, send to the Office of the Justices a similar statement, together with the amount payable for the unexpired portion of the then current half-year, calculated, according to the said Schedule, from the first day of the month in which such payment shall be made, unless he shall be able to prove to the satisfaction of the Justices that the tax for the half-year has previously been paid.

Penalty for keeping a carriage, &c., without license.

VI. If the owner of any carriage, horse, pony, or mule so kept as aforesaid, shall not have duly taken out a license under Section XXXIX of the said Act, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the tax which would have been payable for the entire half-year.

Registry and numbering of hackeries.

VII. Every cart, hackery, and other wheeled vehicle without springs, kept and used within the Town, and every cart, hackery, and other such vehicle plying for hire within the Town, or let for hire within or without the Town, and used within it, shall be registered in the Office of the Justices with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Justices shall direct. Any owner or driver of such cart, hackery, or other wheeled vehicle without springs, who shall fail to affix the number of registration as aforesaid, shall be liable to a fine not exceeding five Rupees. Provided that this Section shall not apply to or include carts, hackeries, or other such vehicles as aforesaid, kept at any place more than eight miles distant from Government House, and used only temporarily and casually in the Town, or to Conservancy carts, hackeries, or other such vehicles belonging to the Justices.

Duty on professions, trades, and callings commenced after the beginning of the fiscal year.

VIII. Whereas by Section XLVII of the said Act VI of 1863, persons exercising the professions, trades, and callings specified in Schedule B, are liable to the annual duties therein mentioned: and whereas it is expedient, in cases of persons commencing the exercise of such professions, trades, or callings after the commencement of the fiscal year, to assess them to a proportionate part only of the annual duty; Be it therefore enacted that where any person, after the passing of this Act, shall commence to exercise any of the said professions, trades, or callings after the first day of January in any year, he shall for his license for that year (to be obtained previous to his so commencing such profession, trade, or calling) be liable to pay only such portion of the annual sum mentioned in the said Schedule as shall be proportionate to the unexpired portion of the year, calculated from the first day of the month in which such payment shall be made.

Penalty for not taking out a license for exercising certain trades, &c.

IX. If any person within the Town shall exercise his profession, trade, or calling without having duly taken out a license as required by Section XLVII of the said Act, he shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding three times the amount which, in the judgment of such Justice of the Peace, would have been payable by such person in respect of a license duly taken out as aforesaid for the entire year.

Assessment of lighting rate.

X. Whereas it is expedient to make better provision for the assessment of the rate for lighting the public street: Be it enacted that it shall be lawful for the Justices to assess upon the occupiers of all houses, buildings, tenements, huts, and premises, within the limits of this Act, an annual lighting rate not exceeding two per centum upon the annual rent or value of such premises, together with their appurtenances. And such rate shall be payable quarterly.

Supply of Water.

XI. The Justices shall cause to be laid down in each street, lane, and thoroughfare of the Town or in any division or portion thereof, sufficient mains and pipes for the supply of water in such street, lane, or thoroughfare, and shall also erect in every such street, lane, and thoroughfare sufficient and convenient stand-pipes for the gratuitous use of the rate-payers. The said stand-pipes shall be so placed that there shall not be a greater interval than one hundred yards between any such stand-pipes, and such stand-pipes shall at all times be kept charged with water.

Notification of supply being complete.

XII. When the Justices shall have carried out a system for the supply of water to the Town, or to any division or portion thereof, including such convenient mains and stand-pipes as aforesaid, and such system shall in the judgment of the Justices be complete, the Justices shall, with the sanction of the Lieutenant-Governor of Bengal, declare, by notification published in the Calcutta Gazette, that the supply is complete within the Town or any such division or portion thereof.

Water-rate may be assessed.

XIII. After it has been so notified as aforesaid that the Water-supply in any district has been completed, it shall be lawful for the Justices to assess a rate upon all occupied houses and premises within such district. The said rate shall not exceed four per centum upon the annual value of the said houses and premises, and shall be ascertained and fixed in the manner and payable at the times provided by the said Act VI of 1863, and by this Act.

Householder entitled to supply of water for domestic use.

XIV. Every householder assessed to and paying the Water-rate, shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water from the mains and pipes of the Justices for the domestic use of himself and his household.

Communication pipes, &c., to be made of required dimensions and at expense of householder.

XV. Every person assessed to and paying the Water-rate shall be entitled to lay down communication pipes from the mains and pipes of the Justices, for bringing into his house a proper and sufficient supply of water for domestic purposes. The communication pipes leading the water from the mains and pipes of the Justices into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the said

Justices or their proper officer in that behalf shall fix and approve: and shall be made and constructed at the expense of the person requiring the same.

What are domestic purposes.

XVI. A supply of water for domestic purposes shall not include a supply of water for horses or for washing carriages where such horses or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose.

Supply for business.

XVII. It shall be lawful for the Justices to supply water, at a rate not exceeding one Rupee for every two thousand gallons supplied, for other than domestic purposes, and for trade, manufacturing, business, ornamental, or mechanical purposes, provided the person requiring such supply make application to the Justices in writing specifying the purpose for which such supply is required and the quantity likely to be consumed. And the Justices may thereupon, subject to such charges or rates as may be agreed upon between themselves and the person so requiring such supply, not exceeding the rate aforesaid, lay down, or allow to be laid down, the necessary communication pipes and works, of such dimensions and character as may be agreed upon between the Justices and the person requiring such supply, or, in the absence of such agreement, as may be fixed by the Justices.

Communication pipes, &c., must be made to satisfaction of Surveyor.

XVIII. The communication pipes and works leading water from the mains and pipes of the Justices into any house or premises, must in all cases be executed subject to the inspection and to the satisfaction of the Surveyor or other Officer to be appointed in that behalf by the said Justices. Such communication pipes and works may be made by the servants and workmen of the Justices, upon such terms as may be agreed upon between the Justices and the person requiring the supply, or subject to such charges as may be fixed by the Justices; and it shall be lawful for the Justices to require the amount necessary for the execution of such works to be paid or deposited before such works are executed; and such charges and expenses shall be recoverable in the same way as the water-rate.

Pressure at which water must be kept.

XIX. The Justices shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which such supply is required; and shall at all times between the hours of five in the forenoon and eight in the afternoon maintain a pressure of water in the pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet, and between the hours of eight in the afternoon and five in the forenoon to a height of not less than ten feet.

Power to enter premises.

XX. The Surveyor, or any other person acting in that behalf under the authority of the Justices may, between the hours of nine in the forenoon and five in the afternoon, enter into any house or premises supplied with water as aforesaid, in order to examine if there be any waste or misuse of such water; and if such surveyor or other person at any such time be refused admittance into such house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Justices may turn off the water from such house or other premises.

Water may be cut off on neglect to pay the rate.

XXI. If any person supplied with water shall neglect to pay the water-rate at any of the times of payment thereof, the Justices may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the Justices may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works or obstructing or diverting water.

XXII. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main, or pipe belonging to or under the management or control of the Justices, or constructed, continued, or maintained under this Act, or shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under their management or control, or from any water or streams by which such water-works are supplied, shall for every such offence, forfeit a sum not exceeding fifty Rupees and a further penalty not exceeding twenty Rupees for each day during which the offence is continued after written notice in that behalf.

Application of rates and monies received from the supply of water.

XXIII. All rates and monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the said Justices in defraying the expense of making and maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith, or for some other purpose connected with the supply of water; and if any surplus should remain theirafter, then the same shall be applied in reduction of the rates assessed for the supply of water.

Assessment may be on owner in certain cases.

XXIV. Where any house or tenement is divided into flats, rooms, or portions in the occupation of different tenants, and also in the case of all houses or tenements the annual value whereof is less than one hundred Rupees, it shall be lawful for the Justices to assess the owner or landlord of such house or tenement, although he does not himself occupy the same, and to recover from him the rates imposed thereon for lighting and water respectively,

Remission of rate on houses and lands in case of vacancy.

XXV. Where any house, building, or land whereon the rate under Section LV of the said Act VI of 1863 is assessed, has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house, building, or land has been vacant as aforesaid, provided notice shall have been given in writing to the Justices of such house, building, or land being vacant: and the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

After revision assessment book to be authenticated by the seal of the Justices.

XXVI. After the appeals specified in Section LXXIII of the said Act VI of 1863 have been disposed of, and after the revision of the valuation or measure-

ment and assessment, has been completed, the amendments, if any, made in the book required to be kept by Section LXVIII of the said Act, shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated.

Rate assessed to be deemed the rate for three years.

XXVII. Appeals against any rate assessed or demanded by the Justices under the provisions of this Act shall be heard and determined by not less than three Justices of the Peace. But no such appeal shall be heard unless the amount of the rate has been deposited with the Justices, and unless such appeal be preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the premises to which such appeal refers, or by the occupier thereof, or by their agents.

Hearing Appeals.

XXVIII. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within eight days after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars by the said Act required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

Information of birth to be given within eight days.

XXIX. Any person whose duty it may be to afford the information specified in Section CIV, or to fill in any form under Section CVI, or to act as an enumerator under Section CVII, of the said Act VI of 1863, who shall refuse or neglect so to do, shall be liable to a penalty not exceeding one hundred Rupees. Provided that it shall be the duty of the enumerator to fill up all Schedules or Returns for those who are unable to write.

Penalty for non-observance of the provisions of Sections 104, 106, and 107 of Act VI of 1863.

XXX. The Justices, from time to time, may fix the hours within which only it shall be lawful to remove any night-soil or other offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Justices, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty Rupees for each offence.

Removal of night-soil.

XXXI. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same, and if such notice shall not be complied with within eight days, the Justices shall cause the necessary works to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as by the said Act provided, or in case of abandonment or disputed ownership, by the sale of any material found upon such building or land, and the provisions of Section CXLIV of the said Act shall be applicable to such sales.

Power to shut up, secure, clear, and clean deserted houses.

XXXII. Whoever, being the owner or occupier of any house, building, or land within the Town, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day during which the same is allowed to continue in such state, after the expiration of two days from notice in writing from the Justices to cleanse the same, or after he shall have been convicted of suffering the same to be in such state. Provided that the Justices may, in lieu of enforcing such daily penalty, enter on and clean and clear the said house, building, or land; and the expense incurred by the Justices in respect thereof shall be paid to them by the owner or occupier, and shall be recoverable as by the said Act provided.

Filthy houses.

Proviso.

XXXIII. Whoever, without the written consent of the Justices first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred Rupees, and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and all the expense incurred thereby shall be paid by the person making or altering such branch-drain, and shall be recoverable as by the said Act provided.

Penalty for altering or making unauthorized drains leading into public sewers.

XXXIV. If it appear to the Justices that a group or block of houses or buildings may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group

Group or block of houses, &c., may be drained by a combined operation.

or block of houses or buildings, it shall be lawful for the Justices to cause such group or block of houses or buildings to be drained and improved by a combined operation; and the expenses incurred by the Justices in respect to such operation, shall be chargeable to the owners of such houses or buildings, in such proportions as shall to the Justices seem fit, and shall, if not forthwith paid by such owners, be recoverable as by the said Act provided.

Proviso to Sections 152, 157, and 159 of Act VI of 1863.

XXXV. Sections CLII, CLVII, and CLIX, of the said Act shall be read subject to the provision that the Justices themselves may construct and lay down such portions of the drains mentioned in the said Sections, as may be carried through or under any public drain, aqueduct, or street, and the expenses incurred by the Justices in respect to such portions, if not forthwith paid by the owner, shall be recoverable as by the said Act provided.

Supervision of works specified in Sections 152, 157, and 159 of Act VI of 1863.

XXXVI. It shall be lawful for the Justices to cause the works mentioned in Sections CLII, CLVII, and CLIX of the said Act to be supervised while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Justices appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Justices may define ways in Bazars. Penalty in case of obstruction.

XXXVII. It shall be lawful for the Justices to define, fix, and determine what portions of any market or bazar within the limits of this Act shall be thrown into and made part of the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways. The Justices may, by notice in writing to be served upon the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works, and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways. And in case the same be not accordingly set out, cleared, and widened at the expiration of the time specified in the said notice, the person so making default shall be liable to a penalty not exceeding twenty Rupees for every day during which such default continues thereafter. And further it shall be lawful for the Justices, in case of such default, by their servants and workmen to enter into and upon the said market or bazar, and to clear, set out, and widen the said approaches, roads, paths, and ways, and to recover from the person by whom the same ought to have been made the expense thereof. The Justices may from time to time vary and alter the said approaches, roads, paths, and ways, as occasion may require, signifying the same by a like notice. And whosoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day such obstruction or encroachment is continued after notice from the Justices to remove or discontinue the same.

Jute warehouses must be registered.

XXXVIII. The owner or occupier of every warehouse, store, depôt, yard, or other place within the limits of this Act, used for the keeping, screwing, storing or depositing of Jute, or in which Jute is stored or deposited, other than Jute screwed for shipment, shall, within three calendar months after this Act comes into operation, register or cause the same to be registered at the Office of the said Justices in a book to be kept by them for that purpose. And in case of default the person so neglecting or refusing to register the same, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

New Jute warehouses must be licensed.

XXXIX. After the passing of this Act it shall not be lawful to use any warehouse, store, depôt, yard, or other place within the limits of this Act, for the keeping or storing of Jute, other than Jute screwed for shipment, unless, before the same is so used, a license for such use be obtained from the Justices: Provided that this Section shall not apply to warehouses, stores, depôts, yards, or places already used at the time this Act comes into operation for the keeping or storing of such Jute. Provided nevertheless, if any such last-mentioned warehouse, store, depôt, or place shall be burnt down and shall be rebuilt, it shall not be so used for the keeping or storing of Jute, unless such license as aforesaid be previously obtained. Every person who, without such license, shall so use any warehouse, store, depôt, yard, or other place, in cases in which a license ought to be obtained, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day during which any such warehouse, store, depôt, yard, or other place is so used without a license, after a conviction under this Section, or after written notice from the Justices to discontinue such use.

Fire not to be used in places where Jute is stored.

XL. Whoever shall introduce or use in any warehouse, store, depôt, yard, or place in which Jute is deposited or stored, other than only Jute screwed for shipment, any fire, or lucifer matches, or shall smoke therein, shall be liable to a penalty not exceeding fifty Rupees.

Inspector or Superintendent of Police may inspect Jute warehouses.

XLI. It shall be lawful for any Inspector or Superintendent of Police within the limits of this Act, at all convenient times, to enter into any such warehouse, store, depôt, yard, or place in which Jute is stored, and to inspect the same.

Act to be read with Act VI of 1863.

XLII. This Act shall be read with and taken as part of the said Act VI of 1863.

WALKER MARSHALL,

Asst. Secy. to the Govt. of Bengal,

Legislative Department.

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 502.

APPOINTMENTS.—*The 29th March* 1866.—The Revd. John Pourie, Calcutta, is licensed to solemnize marriages under Clause 4, Section 6, Part I. of Act V. of 1865, and is authorised, under Section 47, Part V. of the Act, to grant Certificates of Marriage between Native Christians, being converts from any religion in India.

The 2nd April 1866.—Dr. B. Hyatt to be Medical Officer of Ranchee.

Dr. S. Delpratt to be Civil Assistant Surgeon of Hazareebaugh.

Staff Assistant Surgeon A. Turner to officiate as Civil Assistant Surgeon of Hazareebaugh, in addition to his own duties, with effect from the 17th November last, and until relieved by Dr. Delpratt.

Baboo Tariny Churn Mitter, Deputy Magistrate and Deputy Collector, Mymensing, is transferred to Rajshahye, and vested with the powers of a Subordinate Magistrate of the Second Class in that District.

Mr. D. R. Lyall, Assistant Magistrate and Collector, to have charge of the Sub-Division of Moonsheegunge, and to exercise the powers of a Subordinate Magistrate of the First Class, and those of a Deputy Collector, in the District of Dacca. Mr. Lyall is also empowered, under Section 38 of the Code of Criminal Procedure, to hold the preliminary enquiry into cases triable by the Court of Sessions or High Court, to commit or hold to bail persons to take their trial before such Court of Sessions or High Court, and to exercise all the powers necessary for that purpose.

Mr. A. L. Clay to officiate, until further orders, as Joint-Magistrate and Deputy Collector of Dacca.

Baboo Bemola Churn Bhuttacharjee to be a Deputy Magistrate under Act XV. of 1843, and a Deputy Collector under Regulation IX. of 1833, in the Dacca Division, to be posted to Sylhet, and to exercise the powers of a Subordinate Magistrate of the Second Class in any or all the Districts of that Division.

The 3rd April 1866.—Mr. W. LeF. Robinson to officiate as Civil and Sessions Judge of Dinagepore, during the absence, on leave, of Mr. F. Tucker, or until further orders.

The 4th April 1866.—Sub-Assistant Surgeon Oodoy Chand Dutt to have Medical charge of the Civil Station of Pooree.

Mr. G. Bellett, M. A., to officiate as Inspector of Schools, South-East Division, with effect from the 23rd ultimo, during the absence, on leave, of Mr. R. L. Martin, or until further orders.

Baboo Nobin Kissen Sircar to be a Member of, and Moulvy Abdool Jubber to be Secretary to, the Local Committee of Public Instruction at Pubna.

The 5th April 1866.—The following Honorary Magistrates at Canning are vested with the powers of a Magistrate in the 24-Pergunnahs, *viz.* :—

Mr. A. Pendleton.
„ R. C. Sterndale.

Mr. W. Kemble to officiate, until further orders, as Superintendent of the Third or East Division of Survey.

Mr. D. Cunliffe to be Magistrate and Collector of Bancoorah.

Mr. W. S. Wells to be Magistrate and Collector of Rajshahye.

Mr. J. Beames to officiate as Magistrate and Collector of Chumparun.

Mr. F. M. Halliday to officiate as Magistrate and Collector of Sarun.

Mr. E. H. Whinfield to officiate, temporarily, as Magistrate and Collector of Sarun until the arrival of Mr. F. M. Halliday.

Mr. G. Bright to officiate as Civil and Sessions Judge of Midnapore, during the absence, on deputation, of Mr. C. P. Hobhouse, or until further orders.

The 6th April 1866.—Mr. W. E. Ward to be an Assistant to the Magistrate and Collector of Balasore, and to exercise the powers of a Magistrate and Deputy Collector in that District.

Sub-Assistant Surgeon Money Loll Dutt to have charge of the Sukea's Street Dispensary.

Mr. M. H. Ormsby, C. E., L. L. B., to officiate as Professor of Civil Engineering in the Presidency College with effect from the 2nd instant.

Mr. G. C. Kilby to officiate, temporarily, as Collector of Customs and Port Master of Chittagong, during the absence, on leave, of Mr. H. J. Bamber, or until further orders.

Lieutenant T. H. Lewin to officiate, temporarily, as Superintendent of the Hill Tracts of Chittagong, and to exercise in those Tracts the powers of a Magistrate and of a District Superintendent of Police under Act V. of 1861.

The 7th April 1866.—Mr. A. King to officiate, temporarily, as District Superintendent of Police of Chittagong.

Dr. K. Macleod to be Civil Assistant Surgeon of Jessore.

The 9th April 1866.—Mr. H. B. Lawford to be Magistrate and Collector of Backergunge, but to continue to officiate as Civil and Sessions Judge of Jessore.

Lord H. U. Browne, Magistrate and Collector of Nuddea, to be a Magistrate and Collector of the First Grade.

Mr. T. Walton to be a Magistrate and Collector of the Second Grade in Sylhet.

Mr. E. D. Lockwood to be Joint-Magistrate and Deputy Collector of Nuddea, but to continue to be employed in the special duty in which he is at present engaged.

Mr. T. F. Bignold to be Joint-Magistrate and Deputy Collector of Patna.

Mr. E. H. Whinfield to be Joint-Magistrate and Deputy Collector of Sarun.

Mr. W. Wavell to be a Joint-Magistrate and Deputy Collector of the Second Grade, but to continue to officiate as Joint-Magistrate and Deputy Collector of Rungpore.

The above seven Appointments will have effect from the 25th ultimo.

Mr. J. H. Ravenshaw, Magistrate and Collector of Maldah, to be a Magistrate and Collector of the First Grade.

Mr. W. Macpherson to be Joint-Magistrate and Deputy Collector of Moorshedabad, but to continue to officiate as Magistrate and Collector of Rungpore.

Mr. G. S. Park to be Joint-Magistrate and Deputy Collector of Hooghly.

Mr. P. A. Humphrey to be a Joint-Magistrate and Deputy Collector of the Second Grade, but to continue to officiate as Joint-Magistrate and Deputy Collector of Rajshahye.

The above four appointments, as well as the appointment of Mr. D. J. McNeile, notified in the *Calcutta Gazette* of the 4th instant, will have effect from the 3rd idem.

LEAVE OF ABSENCE.—*The 3rd April* 1866.—Mr. F. Tucker, Judge of Dinagepore, for two months, from the 10th instant, under Section 6 of the Covenanted Service Absentee Rules.

The 4th April 1866.—Baboo Gunga Churn Shome, Principal Sudder Ameen of Sarun, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave, making over charge of his office to the Judge of the District.

The 5th April 1866.—Mr. H. J. Bamber, Collector of Customs, Chittagong, is allowed an extension of four days' leave preparatory to proceeding to Europe on Medical Certificate.

Lieutenant F. Collingridge, Officiating Commandant of the Behar Mounted Rifles, for six months.

The 6th April 1866.—Mr. F. H. Elphinstone, Deputy Magistrate and Deputy Collector of Nowadah, for ten days, in extension of the leave allowed him under the rules for joining his appointment.

The 7th April 1866.—Baboo Bunkim Chunder Chatterjee, Deputy Magistrate and Deputy Collector of Barripore, for one month, under paragraph 17 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave, making over charge of the Sub-Division to the Officiating Extra Joint-Magistrate and Deputy Collector of the 24-Pergunnahs.

The 9th April 1866.—Captain J. G. Reddie, Master Attendant, for fifteen months, under Section 11 of the Covenanted Service Absentee Rules.

NOTIFICATIONS.—*The 4th April* 1866.—The services of the Revd. H. F. Corbyn, Chaplain of Cuttack, are re-placed at the disposal of the Government of India in the Home Department.

The appointment of Baboo Tilok Chunder Goopto to be Moonsiff of Mungledye, notified in the *Calcutta Gazette* of the 4th October last, will have effect from the 1st September 1865, the date on which he assumed charge.

The 5th April 1866.—Baboo Juggomohun Roy, Deputy Magistrate and Deputy Collector of Balasore, having returned to his duties on the 21st ultimo from the leave which was granted to him under orders of the 23rd February last, and of which he availed himself on that date, the unexpired portion of that leave is cancelled.

Baboo Kali Churn Ghose, Deputy Magistrate and Deputy Collector of Satkhira, having resumed charge of his office on the 15th February 1866, the unexpired portion of the leave granted to him under orders of the 2nd idem is cancelled.

The 10th April 1866.—The services of Lieutenant L. J. H. Grey, Assistant Commissioner in Assam, are placed at the disposal of the Government of India in the Foreign Department.

NOTIFICATION.—*The 26th March* 1866.—The attention of officers of Government and the public generally is hereby drawn to the provisions of Act XXXI., 1860, *(relating to the manufacture, importation, and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases)* as continued in force and amended by Act VI., *(the Arms Act Continuance Act,)* 1866.

The provisions of these Acts restricting (1) the possession of cannons, howitzers and mortars, (2) the manufacture, repair, sale, or (3) importation of arms and ammunition, and (4) the carrying of arms, are in force throughout the territories, subject to the control of the Lieutenant-Governor of Bengal.

(1) Sections 2 to 4, Act XXXI., 1860.

(2) Sections 5 to 16, Act XXXI., 1860.

(3) Sections 17 to 19, Act XXXI., 1860.

(4) Sections 26 to 30, Act XXXI., 1860, as modified by Sections 2 and 3, Act VI., 1866.

The powers of seizure, search, and arrest in certain cases, defined in Sections 20, 21, 25 and 31, Act XXXI., 1860, are still possessed by the several authorities in whom the law vests them.

Under the provisions of Sections 22 to 24 of the said Act the Lieutenant-Governor of Bengal is pleased to prohibit the transport of arms, lead, sulphur, saltpetre, and gunpowder from or through any portion of the Province of Assam, and the Districts of Purneah, Darjeeling, Dinagepore, Rungpore, Tipperah, Chittagong, Mymensing, Sylhet, and Cachar, and the Bootan Dooars into or towards any country beyond the British Frontier, except under a license granted by one or other of the following officers; that is to say:—the Commissioner of Assam for the Province of Assam, the Commissioner of Bhaugulpore for Purneah and Darjeeling, the Commissioner of Rajshahye for Rungpore and Dinagepore, the Commissioner of Chittagong for Tipperah and Chittagong, the Commissioner of Dacca for Mymensing, Sylhet and Cachar, and the Commissioner of Cooch Behar for the Dooars of Bootan.

The following Notification of the Government of India in the Home Department is also now re-published for general information:—

No. 1879.—*The 1st October* 1860.—*Notification.—Under Section* 17, *Act XXXI.*, 1860, *the Governor General in Council hereby authorises the chief officer of police in every Sea-port Town and Frontier District in India to grant licenses for the importation of arms, percussion caps sulphur, saltpetre, gunpowder, and other ammunition, subject to the general control and directions of the chief executive authority of the Presidency or Place.*

The provisions of Section 32, Act XXXI., 1860, are not now in force in any portion of the Lower Provinces of Bengal.

NOTIFICATIONS.—*The 4th April* 1866.—The Lieutenant-Governor being about to proceed to Darjeeling, and intending to leave Calcutta on Monday, the 16th instant, the following general instructions are published for the guidance of the authorities who correspond directly with Government:—

As a general rule all communications are to be sent, as usual, to the Secretary's Office in Calcutta.

Urgent communications, and such as can be made complete in themselves, so as not to require reference to papers in the office, are to be sent direct to the Secretary with the Lieutenant-Governor at Darjeeling.

The following Orders issued by the Government of India in the Home Department are re-published for information:—

No. 3120.—*The 31st March* 1866.—Mr. G. F. Cockburn, of the Civil Service, has reported his departure from India per Steamer *Delhi*, which vessel was left by the Pilot at sea on the evening of the 24th instant.

No. 3174.—The services of Mr. W. E. Ward, Officiating Under-Secretary to the Government of India, are re-placed at the disposal of the Government of Bengal with effect from the 9th April.

The following Order issued by the Government of India in the Military Department is re-published for information:—

No. 327 *of the 3rd April* 1866.—The services of Assistant Surgeon J. M. Cameron, M. D., are placed at the disposal of the Government of Bengal.

The 27th March 1866.—It is hereby notified that the Lieutenant-Governor has sanctioned the transfer of Thannah Naraingunge, in the District of Dacca, from the Sub-Division of Moonsheegunge to the Central Sub-Division of Dacca.

The 5th April 1866.—It is hereby notified that the Lieutenant-Governor has been pleased, under Section 3, Act XI., 1865, to sanction the establishment, from the 1st May next, of a Court of Small Causes at Bohor, in the District of Dacca, with territorial jurisdiction conterminous with that of the Monsiffee of Bohor.

J. GEOGHEGAN,
Offg. Junior Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENTS.

No. 78.

The 4th April 1866.

Posting.—Mr. T. S Isaac, Executive Engineer, First Grade, transferred to Bengal, is posted to the Executive charge of the Second Division, Grand Trunk Road.

No. 97.

LOCAL.

The 7th April 1866.

Declaration under Section II. of Act VI. of 1857.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government for public purpose, *viz.*, for the site of gas-works for lighting the Town of Howrah, it is hereby declared that, for the above purpose, a plot of land is required, measuring 41 beegahs and 12 cottahs, more or less, situated in the District of Hooghly, Pergunnah Boro, Mouzah Howrah.

It is bounded on the North by the respective properties of Radha Monee Dassee, Khetter Churn Santra and others, Kartick and Goness Chunder Manjee, Russukally Khan and Deno Moye Dassee; on the South and West by the lands recently taken for a Branch Railway Line to the Coal Depôt, and on the East by the Trunk Road.

2. This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

No. 80.

The 9th April 1866.

Leave of Absence.—Mr. B. Black, Assistant Engineer, First Grade, attached to the Darjeeling Division, for one year, on medical certificate, under Section 5, Chapter II. of the old Uncovenanted Service Absentee Regulations, to proceed to Europe.

2. Mr. Black is also allowed preparatory leave from the 22nd ultimo to the date of his departure from Calcutta.

No. 81.

Postings.—Mr. W. McCullagh, Sub-Engineer, Second Grade, having returned from leave to Europe on private affairs* on the 17th ultimo, is posted to the additional Presidency Division.

* Notifications by the Bengal Government, Public Works Department, Nos. 279 of the 9th August 1865, and 73 of the 29th March 1866.

No. 82.

Sapper W. Farren, R. E., Probationary Overseer, First Grade, attached* to Bengal, is posted to the Balasore Division.

* Notification by the Bengal Government, Public Works Department, No. 48 of the 25th February 1866.

No. 83.

The 10th April 1866.

Appointments.—Major Æ. Perkins, R. E., Executive Engineer, (First Grade), Berhampore Division, to officiate as Executive Engineer, Darjeeling Division, during the absence of Captain F. S. Stanton, R. E., Executive Engineer, First Grade, on deputation, or until further orders.

No. 84.

Baboo Rajkristo Coomar, Probationary Overseer, Third Grade, attached to the Balasore Division, is permanently appointed an Overseer of the Second Grade.

No. 85.

Notification.—Mr. T. J. Macnamara, Executive Engineer, Fourth Grade, Officiating Executive Engineer, Mahanuddy Division, resumed* charge of that Division on the 12th ultimo before noon.

* Notifications by the Bengal Government, Public Works Department, Nos. 43 of the 16th February, and 55 of the 8th March 1866.

J. E. T. NICOLLS, *Lieut.-Col., R. E.,*
Offg. Secy. to the Govt. of Bengal,
P. W. D.

Public Works, (Railway,) Dept.,—Bengal.

Fort William, the 4th April 1866.

Draft of revised Declaration under Sections 2 and 33 of Act VI. of 1857, *in supersession of the Declaration published in page* 525 *of the "Calcutta Gazette," dated the 21st March* 1866.

Notification.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government, at the public expense, for a public purpose, *viz.*, for a line of Railway between Jogotee and Goalundo in extension of the Eastern Bengal Railway, it is hereby declared that, for the above purpose, a strip of land is required, being, more or less, forty-five miles long and three hundred and fifty feet broad, and extending from the village Jogotee, in Pergunnah Muhamedshahye, Kooshtee Sub-Division, in the District of Nuddea, to Goalundo, in the District of Furreedpore.

2. This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

By Order of the Lieutenant-Governor of Bengal,

F. S. Taylor, *Captain, R. E.,*
Joint-Secy. to the Govt. of Bengal.

Fort William, the 9th April 1866.

Notifications.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken up at the public expense, for a public purpose, *viz.*, for a Platelayer's Bungalow at the Kissengunge Railway Station of the Eastern Bengal Railway Company, it is hereby notified that, for the aforesaid purpose, a piece of land, situated at about 100 yards south-west of the said Railway Station on the outskirts of the Village Magdeah, Pergunnah Ookrah, measuring one beegah eleven cottahs and four chittacks, more or less, is required.

The land is bounded on the North partly by the Railway Company's land and partly by land held in Putnee by the Khalboaliah Factory; on the West and South by the same Putnee land, and on the East by the Railway Company's land.

2. This Declaration is made, under the provisions of Section 2, Act VI. of 1857, to all whom it may concern.

The Hon'ble the Lieutenant-Governor of Bengal is pleased to rule that from the 1st May 1866 all Commissioners, Collectors, Magistrates, Executive Engineers, Treasury and other Officers of the Civil Department, the Post Office excepted, who may have occasion to use the East Indian Railway in the Bengal Division, will no longer receive credit from, or keep open accounts with, the Traffic Manager, but are to pre-pay in cash the amount of all Railway charges incurred by them on the public service.

2. The Deputy Auditor and Accountant-General and the Public Works Department have been instructed to issue the necessary subsidiary orders for the adjustment of these charges and their exhibition in account.

By Order of the Lieutenant-Governor of Bengal,

J. Hovenden, *Major, R. E.,*
Asst. Secy. to the Govt. of Bengal,
P. W. D., Railway Branch.

HOME DEPARTMENT.

No. 2713.

Fort William, the 21st March 1866.

Notification.—The following Notification containing "sailing directions for entering the Bassein River" is re-published for general information:—

Marine Notification.

The Flag Staff formerly at Dalhousie (which place has been entirely given up as a Pilot Station) has been erected on the S. E. point of Haingyee, or Negrais Island, and the following revised directions for entering the Bassein River are consequently published.

Sailing directions for entering the Bassein River:

I. Strangers should not attempt the passage to the westward of Negrais Island.

II. Vessels coming from the southward should bring Diamond Island to bear N. W., then steer for it until the Fair Way Buoy, which is situated 1½ miles N. E. of the Island, is visible: when near the Fairway Buoy bring the Flag Staff on the S. E. point of Haingyee, on or a little shut in with the north-east point of that Island, which will place a ship nearly in mid channel, she should then steer up the channel keeping these marks on till Pagoda Point bears west (true), when she must haul more to the eastward, passing the Flag Staff point about half a mile distant in about from 8 to 10 fathoms, when abreast of the Flag Staff a vessel should not haul more to the northward, or bring the Flag Staff point to bear to the southward of S. W. ½ W. (true) until she has made rather better than half the distance between the Flag Staff point and the north point of Haingyee; this is necessary to avoid a ridge of rocks visible at low water spring-tide that run out from the Island and extend somewhat beyond a line drawn from point to point of the Island. She may then haul in gradually and anchor in under the high land with the north point of the Island, bearing about N. W. by N. in 5 or 6 fathoms mud, where, in the S. W. Monsoons, smoother water will be found than higher up off Dalhousie.

It is here remarked that the centre of Diamond Island kept on the line of bearing S. 29 W. or S. W. by S. ½ S. nearly will carry a vessel up nearly as far as Dalhousie point clear of all dangers. Commanders of vessels are also informed of the necessity of paying careful attention to the set of the tides between Diamond Island and Orestes shoal; they run nearly east and west, and do not take the course of the river until they reach above the Black Buoy.

III. Vessels entering from the westward in latitude north of Diamond Island should bring it to bear S. E. steer in for it until the Fairway Buoy is made, then proceed as above directed for vessels entering from the southward. This passage, however, should be attempted by sailing vessels only in the N. E. Monsoon.

IV. Vessels unable from stress of weather to distinguish the different works should anchor under Diamond Island, where good anchorage and smooth water is to be found.

The best and safest anchorage during the S. W. Moonson is with the north end of the Island, bearing W. ½ N. and distant one mile.

V. Pilots are usually to be had at or near Diamond Island. Should a Pilot be on shore there

when a vessel is seen approching, a Pilot Jack will be hoisted at the mast head of the Flag staff erected on the Island. But vessels not finding one, and being provided with Lieutenant Ward's Chart, need have no hesitation in coming in as far as the north end of Haingyee. Should a Pilot be at Haingyee, the Pilot Jack will be hoisted at the Flag Staff erected on that Island.

VI. Buoys.

A first class Red Buoy marks the extreme south end of Orestes shoal.

A first class Red Buoy marks the eastern limit of the Orestes shoal.

A first class Black Buoy marks the extreme edge of the shoal extending from Porian shore.

A first class Red Buoy marked E. W. in white letters is placed 1½ miles north-east of Diamond Island.

A small Red Buoy marks the extreme northern limit of the shoal extending off the north east end of Haingyee.

VII. The shoal extending south of Haingyee is called the "Orestes" shoal, and that extending from Porian shore westward is called the Porian.

The sailing directions from Dalhousie or Negrais Island to Bassein remain unchanged.

(Sd.) G. F. Wells,
Master Attendant, Bassein.

Published by Order of the Commissioner, Pegu,

(Sd.) H. Lewis,
Master Attendant, Rangoon.

Master Attendant's Office;
Rangoon,
The 20th December 1865.

(Sd.) E. C. Bayley,
Secy. to the Govt. of India.

No. 131.

Opium Notification.

Notice is hereby given that the Fifth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall on Friday, the 11th May 1866, at 11 A. M., and will comprise 3,330 Chests, *viz.*:—

Behar Opium	...	2,000
Benares „	...	1,330
Total Chests	...	3,330

2. The general Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 16th and 26th May, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Wednesday, the 16th May 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 26th May 1866.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1864-65, will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 11th June 1866	2,000	1,330	3,330
On or about Monday, 9th July „	2,000	1,330	3,330
On or about Thursday, 9th August „	2,000	1,330	3,330
On or about Monday, 10th Sept. „	2,000	1,330	3,330
On or about Thursday, 4th Oct. „	2,000	1,330	3,330
On or about Friday, 9th November „	2,000	1,330	3,330
On or about Wednesday, 5th Dec. „	2,000	1,370	3,370
Total ...	14,000	9,360	23,350

By Order of the Board of Revenue, L. P.,

T. Bruce Lane,
Junior Secretary.

Fort William,
The 3rd April 1866.

Education Notice.

Medical College.

1. The Calcutta Medical College Session of 1866-67 will commence on the 15th June next.

2. Students who may be desirous of commencing their studies are requested to apply to the Principal of the Medical College, between the hours of 10 A. M. and 4 P. M., on or before the 15th May next, when the vacant Free Presentations will be awarded.

3. The possession of the "Entrance Examination" Certificate of the Calcutta University will entitle Students to enter the Medical College without further examination.

4. The course of instruction given in the Calcutta Medical College is framed to meet the requirements of the Calcutta University for obtaining its Degrees in Medicine and Surgery.

5. The Candidates who may fail in obtaining a Scholarship or a Free Presentation may be admitted as Students on payment of an Entrance Fee of 15 Rupees, and a further sum of 5 Rupees monthly during the period of their stay at the College, provided they enter into a guarantee to follow out the College Curriculum to a close and to graduate at the Calcutta University. Candidates who do not intend to graduate in Calcutta, or who wish to attend only a few Courses of Lectures, may be admitted as casual Students on payment of a Fee of 40 Rupees for each Course of Lectures, or 60 Rupees for six months' attendance upon any single branch of hospital practice.

6. The Certificates of Lectures and hospital attendance of the College are recognized by the University of London, the Royal College of Surgeons of England, and the Worshipful Society of Apothecaries of London.

C. R. Francis, M. B.,
Offg. Principal, Medical College.

Calcutta;
Medical College Office,
The 7th April 1866.

Monthly Account of Salt on sale on 28th February 1866.

1	2			3			4			
Depôts.	Pungah.			Kurkutch.			Price per 100 Mds.			
	Mds.	S.	C.	Mds.	S.	C.	Rs.	As.	P.	
Hidgellee.										
Pungah Salt, Ghaut Russoolpore ...	1,21,665	0	0	0	0	0				
Ditto, ditto Krissennuggur ..	2,27,697	0	0	0	0	0				
Ditto, ditto Ramnuggur ...	1,33,172	0	0	0	0	0	399	0	0	
Ditto, ditto Kallinuggur ...	2,31,831	0	0	0	0	0				
Ditto, ditto Pooreeghatta ...	37,584	0	0	0	0	0				
Total ...	7,51,949	0	0	0	0	0				
Tumlook.										
Pungah Salt, Ghaut Narrainpore ...	* 16,287	0	0	0	0	0	399	0	0	* Not saleable reserved to cover loss by Cyclone.
Ditto, ditto Russoolpore ...	62,126	0	0	0	0	0	408	0	0	
Total ...	78,413	0	0	0	0	0				
Sulkea.										
Kurkutch Salt, Madras Permit ...	0	0	0	7,19,849	0	0	396	0	0	
Ditto, Chilka ...	0	0	0	1,44,312	0	0	386	0	0	
Ditto, Scinde ...	0	0	0	5,00,000	0	0	418	0	0	
Mixed Kurkutch Salt ...	0	0	0	2,679	0	0				
Pungah Salt, Cuttack ...	1,07,186	0	0	0	0	0				
Ditto, Balasore ...	1,55,165	0	0	0	0	0				
Ditto, Khordah ...	2,21,057	0	0	0	0	0				
Ditto, Chilka ...	2,40,926	0	0	0	0	0				
Ditto, Ramnuggur ...	47,190	0	0	0	0	0	421	0	0	
Ditto, Pooreeghatta ...	1,16,587	0	0	0	0	0				
Ditto, Krissennuggur ...	1,30,120	0	0	0	0	0				
Ditto, Narainpore ...	2,95,696	0	0	0	0	0				
Total ...	13,13,927	0	0	18,66,840	0	0				
Ghoosery.										
Pungah Salt, Ghaut Kallinuggur ...	1,00,413	0	0	0	0	0				
Ditto, ditto Russoolpore ...	48,593	0	0	0	0	0	421	0	0	
Mixed Pungah Salt, Ghaut Ramnuggur	37,973	0	0	0	0	0				
Total ...	1,86,979	0	0	0	0	0				
Chittagong.										
Pungah Salt, Sudder Ghaut ...	†2,282	0	0	0	0	0	399	0	0	† Not saleable reserved for Golah wastage.
Ditto, Arracan ...	†778	0	0	0	0	0	424	0	0	
Kurkutch Salt, Madras ...	0	0	0	62,786	0	0	371	0	0	
Ditto, Judda ...	0	0	0	823	0	0				
Total ...	3,060	0	0	63,609	0	0				
Cuttack.										
Pungah Salt ...	1,364	0	0	0	0	0	399	0	0	
Total ...	1,364	0	0	0	0	0				
Pooree.										
Pungah Salt ...	2,16,443	0	0	0	0	0	399	0	0	
Kurkutch Salt ...	0	0	0	8,42,822	0	0	356	0	0	
Total ...	2,16,443	0	0	8,42,822	0	0				
Grand Total ...	25,52,137	0	0	22,73,271	0	0				

N. B.—The above Salt is deliverable in quantities of fifty maunds and upwards at the Government Depôts specified in column 1, and at the prices stated in column 4, to all applicants producing Rowannahs, which are procurable for all descriptions of Salt at the Office of the Board of Revenue.

Board of Revenue;
Fort William,
The 4th April 1866.

T. Bruce Lane,

Junior Secretary.

SALT FOR EXPORTATION.

STATEMENT shewing the Quantity of Salt in store available for exportation on private trade at each of the several Ports of Export in the under-mentioned Districts:—

Names of Districts.	Ports at which Salt is generally available for export on private trade.	Quantity allotted for private exportation in 1866.	Quantity exported on private trade or assigned to applicants up to 28th February 1866.	Quantity remaining in store actually available for export on 1st March 1866.	Remarks.
		Indian Maunds.	Indian Maunds.	Indian Maunds.	
Godavery ...	Coconada ...	50,000	50,000	.....	
Kistna ...	Nizampatam ...	39,766 20	.....	39,766 20	Boats available at all times.
Nellore ...	Iskapalli ...	1,17,723	.....	1,17,723	Boats easily obtainable.
	Varini ...	96,606	.....	96,606	
Madras ...	Madras ...	1,86,315	7,500	1,78,815	
	Ennore ...	1,33,907	43,119	90,788	
	Covelong ...	80,000	80,000	.....	
South Arcot ...	Mercanum ...	68,800	41,640	27,160	
	Killay ...	7,800	7,800	.....	
Tanjore ...	Vedarniem ...	60,000	.....	60,000	
Tinnevelly ...	Vypaur ...	2,06,000	2,06,000	.....	
	Tuticorin ...	1,44,000	1,44,000	.....	
	Total ...	11,90,917 20	5,80,059	6,10,858 20	

N. B.—Salt for export will be supplied by Government at the rate of 15 Rupees per 100 Indian Maunds, which includes charges of shipment, except at the Port of Madras, where the Salt will be delivered on the beach.

C. G. Master,
Acting Sub-Secretary.

Revenue Board Office;
Madras,
The 16th March 1866.

Published for general information.

By Order of the Board of Revenue,

T. Bruce Lane,
Junior Secretary.

Fort William,
The 10th April 1866.

Results of the Meteorological Observations taken at the Surveyor-General's Office, Calcutta, during the Week ending Saturday, 7th April 1866.

Month.	Date.	Reduced Reading of Barometer at 10 A. M.	Thermometer. Highest Reading.	Thermometer. Lowest Reading.	Daily Range of the Temperature.	Mean Temperature for the day.	Mean Wet Bulb.	Computed Mean Dew-point.	Mean Degree of humidity for the day.	Prevailing Direction of Wind during the day.	Rain.	Max. Pressure of Wind.
		Inches.	⊖	⊖	⊖	⊖	⊖	⊖			Inches.	lb.
April ...	1	29·962	89·9	76·9	13·0	82·5	75·1	69·9	0·67	W.S.W & E.S.E.		2·75
	2	·915	91·8	76·4	15·4	82·6	75·1	69·8	·66	S.S.E. & Variable		1·25
	3	·943	83·4	73·6	9·8	77·4	71·1	66·7	·71	N. & N.N.W.		2·25
	4	·875	89·0	71·4	17·6	78·6	69·9	63·8	·62	W.S.W.		0·25
	5	·879	93·0	72·8	20·2	82·1	73·2	67·0	·62	W.S.W.&S.S.W.		
	6	·828	95·0	78·2	16·8	83·9	77·3	72·7	·70	S.S.W. & S.W.		2·25
	7	·770	96·8	77·2	19·6	85·6	75·2	67·9	·57	S.W.& W.N.W.		0·50

The mean Temperature and the mean Wet bulb are derived from the Twenty-four hourly Observations made during the day.

The Dew point is computed with the Greenwhich constants. The figures in column ten represent the humidity of the air, the complete saturation of which being taken at unity.

		⊖
The extreme variation of Temperature during the past week		25·4
The Max. Temperature during the past week	...	96·8
The Max. Temperature during the corresponding period of the past year	...	98·2
The mean humidity during the past week	...	0·65
The mean humidity during the corresponding period of the past year	...	0·68
		Inches.
The total fall of rain during the past week	...	Nil.
The total fall of rain between the 1st January and the 7th current	...	5·65
The total fall of rain during the corresponding period of the past year	...	5·03

Gopeenauth Sen,
In charge of the Observatory.

The 9th April 1866.

Ecclesiastical.

THE REVEREND HENRY FISHER CORBYN, M. A., of Jesus College, Cambridge, the REVEREND GEORGE FRANCIS POPHAM BLYTH, M. A., of Lincoln College, Oxford, both Junior Chaplains, and the REVEREND FRANCIS RODON MICHELL, Minister in this Diocese, have been appointed by the Lord Bishop of Calcutta Surrogates in this Diocese for granting Episcopal Licences of Marriage.

W. H. ABBOTT,
Registrar and Secretary.

CALCUTTA,
The 10th April 1866.

Notification.

MR. P. CARNEGY, Extra Assistant Commissioner, received charge of the Kamroop Treasury on the 14th instant, and he is authorised to draw Bills on all Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

GOWHATTY,
The 17th March 1866.

Notification.

BABOO POORNANUND BOROOAH, Extra Assistant Commissioner, has received charge of the Treasury in Gowalparah District, and has been authorised to draw Bills on all Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

GOWHATTY,
The 17th March 1866.

Notice.

MR. H. MUSPRATT, Collector, has been put in charge of the Balasore Treasury, and is authorised to draw Bills on other Treasuries from the 29th March 1866.

T. E. RAVENSHAW,
Officiating Commissioner.

COMMISSIONER'S OFFICE;
Cuttack Division,
The 3rd April 1866.

Notification.

BABOO PORESH NATH BANERJEE, Deputy Collector, received charge of the Chittagong Treasury from Mr. W. C. Madge, Deputy Collector, on the 6th March 1866, and he has been empowered to draw Bills on all Public Treasuries.

W. GORDON YOUNG,
Commissioner.

Notice.

MR. Assistant Commissioner J. A. GRAHAM has been placed in charge of the Darjeeling Treasury and authorised to draw Bills on other Treasuries from the 27th March 1866.

A. MONEY,
Commissioner.

BHAUGULPORE,
The 3rd April 1866.

Wanted for the Surveyor-General's Office, Lithographic Branch.

A QUALIFIED Press Assistant to help in conducting the printing duties of the Lithographic Press Department, salary Rupees 70. All applications to be sent before the 15th proximo to the address of Lieutenant-Colonel Gastrell, Officiating Deputy Surveyor-General, accompanied with testimonials and references, without which no application will be attended to.

JAMES E. GASTRELL, *Lieut-Col.,*
Offg. Depy. Survr.-General.

CALCUTTA,
The 28th March 1866.

Notice.

CERTAIN Effects, the property of Mr. Oliver, an East Indian, employed as Second Master in the Government Aided Talligange Mission School in this District, who died intestate at the Medical College Hospital a few weeks ago, are under the seal of this Court and will be delivered to any party entitled to claim the same.

G. BRIGHT,
Offg. Judge.

ZILLAH 24-PERGHS.;
Judge's Court,
The 20th March 1866.

Preliminary Notice under Act XXII. of 1863.

No. 4D.

FROM HENRY WILLIAM WICKES, ESQ.,
Civil Engineer,
Bromley, Kent, S. E., England,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL, PUBLIC WORKS DEPARTMENT, CALCUTTA.

Dated the 3rd February 1866.

DARJEELING RAILWAY.—KOOSHTEA TO DARJEELING.

SIR,—I HAVE the honor, herewith, in confirmity with Act No. XXII. of 1863, to submit this my preliminary application to the Government of Bengal for a concession to myself upon terms to be mutually agreed upon hereafter for the construction of a line of Railway, commencing at a point opposite Kooshtea on the Ganges, and terminating at the foot of the Hills below Darjeeling, passing from the former place to the West of the River Attree though the Districts of Purneah and Dinagepore, in as direct a course as practicable to the foot of the Sub-Himalayan Hills at a point near the crossing of the Mohanuddee by the new Cart Road, or thereabouts.

I have, &c.,
H. W. WICKES,
Civil Engineer.

Calcutta Municipality.

To

R. TURNBULL, ESQ.,
Secretary to the Justices of the Peace for the Town of Calcutta.

SIR,—IN conformity with Section 34, Act VI. (B. C.) of 1863, we have the honor to report, for the information of the Chairman of the Justices of the Peace, that we have gone over the accounts* and books for the year 1865, that the charges have been checked by us no less than three times, once with the cash vouchers, a second time when posted into the Ledger, and a third time with the Bank Pass Book, for all charges for 25 Rupees and upwards are paid by cheques on the Bengal Bank, into which all sums of money are paid.

* General Fund.
Lighting Rate Fund.
Water-supply Fund.
Loan Account.
Drainage Account.
Kotrung Factory.

When the Drainage Cash Accounts for 1865 was presented to us for audit there appeared a difference of ten annas between the Receipts and Disbursements. On examining the accounts we discovered that one anna had been paid more than was charged under General Contingencies and seven annas Kotrung Cattle and Carts, which reduced the difference to two annas, which was an error in carrying out the monthly total under Drainage Soorkey Account, as the Receipts on account of soorkey exceeded the Disbursements, the difference was thus explained.

We have examined the Statement received from the Bank of Bengal of the Government Promissory Notes lodged with the Bank and found the same correct.

We have, &c.,
(Sd.) RICHARD LLOYD,
,, I. B. BISS,
Auditors of Municipal Accounts.

CALCUTTA,
The 29th March 1866.

PUBLISHED for general information under Section 34 of Act VI. (B. C.) of 1863.

R. TURNBULL,
Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE;
No. 1, *Chowringee Road,*
The 5th April 1866.

Notice.

CALCUTTA MUNICIPALITY.

THURSDAY next, the 12th instant, being a close Native Holiday, the Special General Meeting of the Justices of the Peace advertised for that day will be held at the Town Hall, on Friday, the 13th idem, at 11 o'clock A. M.

ROBT. TURNBULL,
Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE;
No. 1, *Chowringee Road,*
The 6th April 1866.

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels from the 22nd to 31st March 1866.

NAMES OF RIVERS.	Least Depth of Water.	REMARKS.
MATABANGAH.	Ft. In.	
Above Entrance in Ganges ...	Closed.	
On the Entrance shoal ...		
Thence to Hât Bouleah, 44 miles ...		
Hât Bouleah to Alickdeah ...		
Alickdeah to Kissengunge, 38 miles ...	1 9	
Kissengunge to Hooghly River, 34 miles ...	2 0	
BHAUGIRUTTEE.		
Entrance Bar ...	3 6	
Below the Entrance	2 6	
Thence to Jeagunge ...	2 0	
Jeagunge to Cutwa, 60 miles ...	2 3	
Cutwa to Nuddea, 46 miles ...	2 6	

Height on Guage at Berhampore, on the April 1866, 5¾ inches below Zero.
A fall of ¾ inch since 25th March 1866.

G. W. VIVIAN, C. E.,
Offg. Exe. Engr., Berhampore Divn.

BERHAMPORE,
The 3rd April 1866.

STATEMENT shewing the importation of Salt (private property) in bond and afloat on River Hooghly subject to Customs duty on the 1st April 1866.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In. Mds.	In. Mds.	In. Mds.	In. Mds
Liverpool Pungah ...	6,55,788	1,32,242	2,80,375	10,68,405
Bombay Kurkutch ...	.....	.....	41,646	41,646
Madras ...	.....	1,87,035	7,716	1,94,751
Arabian and Persian Gulf's Kurkutch and Muscat Rock ...	1,570	54,165	.....	55,735
Total ...	6,57,358	3,73,442	3,29,737	13,60,53

By Order of the Board of Revenue,
J. A. CRAWFORD,
Collector of Customs.

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1865, Oct. 13th ...	1 Parcel, [E G] C, [J D] C ...	Charlemagne.
Sept. 21st ...	1 Cask, H N A ..	River Clyde.
1866, Jan. 15th ...	70 Cases, [D A] ...	Onward.
,, 10th ...	1 Box, Dr. J. Ewart ...	Str. Bengal.
,, 15th ...	15 Cases, F A ...	Onward.
,, 16th ..	306 Cases, D. P. and Co. ...	Ditto.
,, 13th ...	7 Pipes, V ...	Onward.
,, 13th ...	1 Hogshead, V ..	Ditto.
,, 13th ...	5 Hogsheads, P] ..	Ditto.
,, 23rd ...	1 Case, M C ..	Str. Erymanthe.
,, 18th ...	18 Cases, M P [23] P P ...	Arundale Castle.
,, 18th ...	1 Box, [S] ...	Fusi Yama.
,, 9th ...	4 Cases, [S] ...	Star of Denmark.
Feb. 12th ..	1 Teak Sleeper, B B and C ..	Rangoon.
Mar. 22nd ..	2 Casks, G B and Co. ..	Kersonese.
Unknown ..	1 Case, [G S N] ...	Unknown.
1866, Jan. 29th ...	12 Cases, } D N D	
Feb. 3rd ...	36 Casks, } ...	Walmer Castle.
,, 8th ...	4 Packages, [R M L] ...	Ditto.
,, 8th ...	7 Packages, G C D ...	Ditto.
,, 8th ...	2 Crates. G C C ...	Ditto.
,, 2nd ...	1 Case, R R D B, B. S. and Co. ..	Indian Empire.
April 9th ...	1 Case, [94] L C J ...	Str. Cashmere.
Feb. 2nd ...	2 Cases, D N D ...	Indian Empire.
,, 2nd ...	10 Packages, G C D ...	Ditto.
,, 7th ...	1 Package, S D ...	Ditto.
,, 7th ...	111 Packages, [H] ..	City of Paris.
,, 7th ...	2 Bales, [T] G B ...	Ditto.
March 1st ...	1 Truss, [C] D D ..	Ditto.
,, 1st ...	1 Case, J S O ...	Ditto.
Jan. 2nd ...	1 Cask, [M and B] ...	Newcastle.
Feb. 13th ..	1 Case, Reverend H. Hatton ...	Ditto.
,, 13th ...	1 Case, C. Crosthwaite ...	Ditto.
,, 13th ...	1 Case, no mark ...	Ditto.
,, 8th ...	1 Case, [M B] ...	Norwester.
,, 8th ...	5 Cases, [C T T M] ...	Ditto.
,, 9th ...	1 Parcel, [T] C, Hoare, Miller and Co. ..	John Nicholson.
,, 9th ...	1 Parcel, Heron and Co. ...	Ditto.
Unknown ...	1 Keg, no mark ...	Unknown.

Calcutta Customs,
The 10th April 1866.

J. A. Crawford,
Collector of Customs.

NOTICE.

The undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section LVII. of Act VI. of 1863:—

Date of Landing.	Mark or Address of Packages.	Ships.
1866, April 14th ..	1 Case (apparently empty,) Dr. Irving, Allahabad	Unknown.
,, 14th ...	2 Barrels, [G] ..	Gondola.
,, 14th ..	6 Baskets Flower Pots, no mark ...	Str. Lightning.
,, 14th ...	1 Case, [16] A. B. and Co. ...	Str. Bengal.
,, 14th ...	1 Parcel, R. J. Amos, Esq., care of W. Judge, Esq., Assam Company's Office, Calcutta ..	Str. Delhi.
,, 14th ..	12 Cases, [I U A C] W. D. and Co. ...	Ditto.
,, 14th ...	1 Package, Copley, Calcutta ..	Ditto.
,, 14th ...	1 Package, C. S. S. Simpson, Esq., Locomotive Superintendent, E. B. Railway ..	Ditto.
,, 14th ...	1 Parcel, R. F. Stack, Esq., Barrister-at-Law ...	Ditto.
,, 14th ...	1 Coil, T S G ...	Str. A. Apcar.
,, 14th ..	1 Parcel, M P G N S ...	Aphrodita.
,, 14th ...	2 Quarter Boxes Gunpowder at Moyapore Magazine, [27] R. K. and Co. ...	Anglesey.
,, 21st ...	1 Case, [S] ...	Clan Alpine.

Calcutta Customs,
The 10th April 1866.

J. A. Crawford,
Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863 :—

	Sea Queen.	
1866, April 14th ...	J B D, 1 Parcel.	
	Shannon.	
1866, April 21st ...	[40] S. D. and Co., 1 Cask.	

CALCUTTA CUSTOMS,
The 10th April 1866.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the under-mentioned Ships under the provisions of Section LII. of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

	Walmer Castle.		
1866, May 19th ..	D N D, 17 Packages	...G C C, 1 Crate ..	[G C D] 2 Casks.
	Harold.		
1866, May 30th ...	[I] 1 Case.		
	Warwick Castle.		
1866, June 20th ..	G C D, 3 Packages	... [D D F] 9 Casks.	
	Sumatra.		
1866, June 24th ...	D N D, 2 Packages.		
	Cherwell.		
1866, June 13th ...	[J R] S D M	... [800] B, Gillanders, Arbuthnot and Co., 1 Parcel.	
	Sarah Nicholson.		
1866, June 20th ..	[E. C. W. S and Co., G, 2 Cases.	[M J M L] 6 Cases ...	[I. C. S. and Co.] 1 Case.
	City of Cashmere.		
1866, June 21st ...	D N D, 7 Packages ...	S C D, 9 Packages ...	[G. and Co.] 6 Casks.
,, 21st ..	T. Parr, Esq., Surgeon, 55th Regiment, Lucknow, Colvin, Cowie and Co., 2 Cases.	[55] A and N, 2 Cases ..	C. H. Fairlie, Esq., Her Majesty's 19th Hussars, Meerut, Messrs. Shand, Fairlie and Co., 1 Case.
,, 21st ...	[M. N. H. and Co.] 1 Case.		

CALCUTTA CUSTOMS,
The 10th April 1866.

J. A. CRAWFORD,
Collector of Customs.

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P., DURING THE WEEK ENDING THE 7TH APRIL 1866.

Number of Seers of 80 *Tolahs weight retailed for a Rupee.*

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.							
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Durrung ...	26th Mar. 1866	8	32	9	11	20	12½	20	13	8	5	...	...
Luckhimpore ...	19th „	8	10	8	5½	6⅔	6⅔	11⅓	11⅓	5½	5½	...	...
Nowgong ...	26th „	5½	32	8	6½	...	9	15	8	6½	5½	...	...
Rajmehal ...	2nd April 1866	10	26	11	7	17	8	30	12	11	9	32	20
Bancoorah ...	31st Mar. 1866	11¼	27	12½	7⅞	20	12	16	10⅔	11	8	30	12
Hooghly ...	2nd April 1866	8	18	12	8½	19	15	15	9	8	6	16	9
Hazareebaugh ...	2nd „	7	20	11	10½	21	12½	20	9½	16	7½	27	13½
Lohardugga ...	31st Mar. 1866	10	32	14	4	20	13	24	6½	16	5	40	16
Maunbhoom ...	2nd April 1866	9	28	14	6	23	12	13	4	8	4	...	...
Balasore ...	31st Mar. 1866	7	32	8	7	20	10	16	7½	12	5½	...	...
Backergunge ...	24th „	12	21	14	7	26	16	12½	8	7½	5	...	...
Mymensing ...	1st April 1866	11	25	14	8	30	16	16	8	10	5	...	...
Nuddea ...	1st „	10	30	12	10	32	21	16	10½	10⅔	6½	...	...
Sarun ...	31st Mar. 1866	7	24	13½	10	21½	15	25	14½	20	11	36	18½
Bograh ...	2nd April 1866	12½	30	16½	8	17½	15¾	15	15	8	8	60	30
Rungpore ...	2nd „	11	24⅔	16	6	21	21	17	11½	9	8	...	...
Districts in which all or most articles are dearer.													
Cossyah and Jynteah Hills ...	26th Mar. 1866	7	15	8	8	16	12	...	...	4	4	...	...
Gowalparah ...	26th „	12½	21	12¾	7	12½	9½	15	12	7	5	...	...
Kamroop ...	24th „	10	20	14	6	18	14	20	13	8	5	...	...
Darjeeling ..	2nd April 1866	5½	8	8	4	...	10	...	...	...	5½	20	10
Deoghur ...	1st „	...	28	10½	7½	25	9	20	10	16	8	...	...
Nya-Doomka ..	2nd „	9	26	12	9	19	10	13	9	9	6	40	15
Burdwan ...	1st „	12	24	12¾	9	26	15½	12	10	9	6½	...	...
Singhboom ...	26th Mar. 1866	10	24	12	8	24	15	12	6	9	3	...	...
Cuttack ...	2nd April 1866	7	20	8	10	24	10	20	7	16	6	36	15
Pooree ...	26th Mar. 1866	7½	25	8⅔	8½	13½	9	12½	5⅞	13	4	32½	12⅛
Tirhoot ...	2nd April 1866	7	32	12	11	30	14	28	12	18	10	45	14½
Districts in which all or most articles are cheaper.													
Seebsaugor ...	19th Mar. 1866	10	32	10	7	16	8	20	10	8	4	...	...
Monghyr ...	2nd April 1866	9	19	10	8	23	11	19	12	14	9	26	14
Purneah ...	2nd „	11½	25	13	7	25	16	19	13	9	9	...	...
Beerbhoom ...	30th Mar. 1866	11½	26½	12	6	24	12½	21	9	15	7	68	22
Midnapore ...	2nd April 1866	8	21	11½	10	20	12½	16	9	14	5½	...	...
Bullooah ...	26th Mar. 1866	10	21	14	6½	15	10	...	...	5	4	...	...
Chittagong ...	26th „	13	20	15	6	16	16	15	13	10	8	...	...
Tipperah ...	30th „	12	45	17	9	40	21¼	20	13	12	5	...	...
Cachar ...	25th „	11	26¾	14	8	16	9	12	8	6	6	...	...
Dacca ...	2nd April 1866	11	25	13	11	16	11	10	10	8	6¼	...	...
Furreedpore ...	2nd „	8	20	12½	18	26	20	16	13	...	...	...	...
Jessore ...	1st „	8	17	12	11½	32	21¼	21	8¼	10⅔	6	...	...
24-Pergunnahs ...	2nd „	...	20	11½	6½	24	18	14	8⅔	9	7	...	...
Chumparun ...	31st Mar. 1866	8	24	9	8	24	9	28	12	17	8	56	13
Patna ...	1st April 1866	12	18½	13	10	26	15	16½	14	12½	11	26	18
Shahabad ...	1st „	7⅔	24	12	10	24	15	23	13½	18	9½	30	20
Pubna ...	1st „	12½	24	14¼	6⅔	32	22½	19½	15⅔	9⅔	8½	...	...
Districts in which some articles are dearer and some cheaper.													
Bhaugulpore ...	1st April 1866	11¼	24	12	8¼	25	12⅝	20	12	12⅝	8⅞	41¼	15½
Pakour ...	2nd „	9	27	10⅔	9	29	14	22	13	16	9	...	...
Howrah ...	2nd „	10¼	20	12⅔	10	19⅔	15	11	9	9	6⅛	...	...
Sylhet ...	23rd Mar. 1866	12	55	14	6½	60	20	14	8½	13	7	...	...
Gya ...	2nd April 1866	10½	29	11⅞	8½	18	10	30	11	22	10	35	14
Dinagepore ..	2nd „	...	24	19	...	17	14	...	16	6	6	...	...
Maldah ...	2nd „	12½	26	13	10	36	22	23	14	14	11	...	...
Moorshedabad ...	1st „	9	17	10	7¾	28	18	16½	11⅔	11⅓	7⅞	22	12⅔
Bootan Dooars—Mynagoree ...	1st „	8	20	9	8	16	16	...	...	...	7½	...	...

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,
Secretary.

FORT WILLIAM,
The 9th April 1866.

MONTHLY STATEMENT OF TRAFFIC PASSED THROUGH THE CALCUTTA AND EASTERN CANALS *from* 1*st to* 31*st March* 1866.

	Names of Chowkeys	Charcoal.			Wood Coal.			Piece Goods, Native Produce.			Piece Goods, Imported Fabrics.			Hides.			Cotton.			Castor Seed.			Castor Oil.			Indigo.			Jaggery.			Jute.			Lime.			Mustard Seed.			Mustard Seed Oil.		
		Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.
Calcutta Canal	Ramonghatta	...	...	..	16	5225	1425	...	...	...	...	...	...	56	13000	No. 288575	16	10000	1000	...	...	...	...	...	...	...	...	...	152	79350	48000	180	125450	88275	90	16925	8750	194	38250	21250	4	1600	850
	Chitpore	179	198500	97890	1	450	275	...	...	...	1	500	Bales 110	...	...	...	3	1200	200	...	...	...	...	...	...	...	...	...	2	1050	425	1	1100	600	3	1450	500	1	600	250	...	...	...
Tolly's Nullah	Samookpotta	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	7500	500	...	...	...	...	...	...	...	...	...	50	26700	18000	6	10075	7000	1	2300	1500	104	95575	70000	6	2375	1700
	Russa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kidderpore	65	59975	42700	...	...	...	...	...	...	...	...	...	...	...	...	3	275	100	...	...	...	...	...	...	...	...	...	17	3450	2150	...	...	...	3	8400	5850	1	375	200	...	...	...

	Names of Chowkeys.	Salt.			Sugar.			Tobacco.			Linseed.			Paddy.			Pulse.			Peas.			Rice.			Wheat.			Lentil.			Grain.			Sundries.		
		Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Total Number of Boats.	Total Maundage by Canal Measurement.	Total Maundage of Cargo by estimate.
Calcutta Canal	Ramonghatta	...	...	...	275	98500	77350	15	6750	2000	28	34325	21300	433	128325	81350	164	61025	36250	120	14475	9750	1357	1111325	486350	2	1200	600	2	8000	3000	4	4000	2100	5874	1735900	...
	Chitpore	958	608100	342928	...	...	...	...	...	...	...	...	...	1	450	250	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2275	532106	...
Tolly's Nullah	Samookpotta	...	...	...	3	2050	1400	12	13475	9000	4	7200	5000	1040	264200	150500	165	36800	24000	...	...	...	240	164700	75000	...	...	...	...	...	...	...	...	...	1695	395625	...
	Russa	...	...	...	...	...	...	...	...	...	...	...	...	23	1500	1300	...	...	...	...	...	...	529	21950	21200	...	...	...	...	...	...	...	...	...	823	21725	...
	Kidderpore	124	68725	31763	...	...	...	3	300	175	...	...	...	2	400	250	...	...	...	1	1400	900	1	375	200	...	...	...	...	...	...	...	...	...	2176	588475	

Dhappa;
Toll Collector's Office,
The 2nd April 1866.

J. F. Galieffe,
Collector of Tolls and Supervisor of Canals.

Notice of Sale.

It is hereby notified that, in execution of a Decree of the High Court of Judicature, the under-mentioned property (99 years' lease, 23 years expired) belonging to Mr. E. G. Chapman, situate in the District of Darjeeling, will be sold at the Deputy Commissioner's Cutcherry at noon on the 20th day of March 1866.

Location No. 7, (Lease.)
Named Cold Stream.

BOUNDARIES.

Bounded on the West by a ravine which divides it from Captain Bishop's Location, No. 8 of Register; on the East by a ravine which divides it from Lieutenant-Colonel Garsten's Grant, No. 21 of Register, and on the North by railed fence, length from East to West *yards, from South to North 200 yards.

* Distance not stated in original Lease.

A deposit of 25 per cent. on the price will be required to be made at the time of sale by the purchaser, on whose failure to comply with this requirement the property will be forthwith put up and re-sold.

BLAIR REID, *Major*,
Depy. Commissioner.

DEPY. COMMR.'S OFFICE;
Darjeeling,
The 16th February 1866.

The sale of the above Estate is postponed until the 20th April next at noon.

BLAIR REID, *Major*,
Depy. Commissioner.

The 17th March 1866.

Notice.

SALE OF WASTE LANDS.

NOTICE is hereby given that three Lots of Waste Land, estimated to consist of about 6554*a.* 2*r.* 32*p.*, more or less, situated in Pergunnah Chowtullee Hills, Zillah Sylhet, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight Annas per Acre, on the 2nd July 1866, at the Office of the Collector of Sylhet, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

T. WALTON,
Offg. Collector.

ZILLAH SYLHET;
Collector's Office,
The 7th March 1866.

BOUNDARIES OF LOTS.

No. 1. LOT.—On the East Banoogatch Hills.
On the West Mouzahs Myzedee, Bagulpore, and Kallapore, of Pergunnah Chowtullee.
On the North Chowtullee Hills.
On the South Mora Sowan Chora, Sunduck Bhanga Road, and Chowtullee Hills. These boundaries contain 2030*a.* 2*r.*

No. 2 LOT.—On the East Pergunnah Chycherry Hills.
On the West Mouzahs Neetasshur, Kodopore, Akberpore, Gansnuggur, and Myzedee, Pergunnah Chowtullee.
On the North Hills of Mouzah Burseejoorah, of Pergunnah Chowallis.
On the South Hills of Pergunnah Chowtullee. These boundaries contain 3029*a.* 2*r.* of lands, of which 97*a.* and 2*r.* of lands are awarded to the Mirasdars for Jhoom cultivation. The remaining 2932*a.* are liable to sale.

No. 3 LOT.—On the East Hills of Banoogatch.
On the West and South Hills of Pergunnah Balleeseerah.
On the North Hills of Pergunnah Chowtullee. These boundaries contain 1592*a.* 32*p.*

T. WALTON,
Offg. Collector.

Notice

Is hereby given that the under-mentioned Lots of Waste Lands, estimated to consist of about 112 Acres, more or less, situated in Doar Choygong, Mouzah Dhalaparah, and bounded as shewn at the foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder above the upset price of two Rupees and eight Annas per Acre, on the 2nd day of July 1866, at the Office of the Deputy Commissioner of Kamroop, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

GOWHATTY,
The 7th March 1866.

Boundaries.

North—by low land.
South—by Joree and Kurdoye (Kamrangah) trees.
East—by Hola and fallow land.
West—by low land.

J. SHERER.
Deputy Commissioner.

ZILLAH KAMROOP;
Revenue Department,
The 7th March 1866.

Notice.

THE Lease of the limestone beds of Oothmar Poonjee, situated at the eastern base of the Cossyah Hills, and bounded as per margin, will be put up to auction for a term of three years from the 1st of May 1866 to the highest bidder above the upset price of Rupees 130 a year, payable half-yearly in advance.

North—As far as limestone extends within the boundary of Sothmar Poonjee.
South—The southern bank of the Pakhee Churrah Stream.
East—The Peehee Churrah Stream.
West—Bhoobun Churrah Stream.

The sale will take place at the Office of the Deputy Commissioner at Cherra Poonjee on Monday, the 30th April 1866.

W. C. S. CLARKE, *Capt.*,
Offg. Deputy Commr.,
Cossyah and Jynteah Hills.

High Court of Judicature at Fort William in Bengal.

ORDINARY ORIGINAL CIVIL JURISDICTION.
RECEIVER'S OFFICE.

Chundernoth Biswas
versus
Bissonoth Biswas and others.

NOTICE is hereby given that on Wednesday, the 9th day of May next, at one o'clock in the afternoon, Charles Swinton Hogg, Esquire, Receiver of the High Court, will put up at his Office for lease the following Zemindaries, Lands, Gardens, &c., belonging to the Estate of Prawnkissen Biswas, deceased, upon such terms and conditions as will be then made known, and upon such security as he may think fit, that is to say,—

In 24-Pergunnahs within the District of the Magistrate of Baraset—

A moiety or half part or share of Turruff Jojorah, &c., in Pergunnah Annorepore, registered No. 146, with Lackraj, Kheraj, Tanks, Gardens, Hauts, Bazaars, Ghauts, and all its under-tenures.

And one-third part or share of the Kismut Kayambah, registered No. 1561, in Pergunnah Annorepore, with all its under-tenures.

In 24-Pergunnahs within the District of the Magistrate of the 24-Pergunnahs—

A moiety or half part or share of Mouzah Bonehooghly, &c., in Mehal Mudrassa, Pergunnah Calcutta, registered No. 145, with Lackraj, Kheraj, Tanks, Gardens, Hauts, Bazaars, Ghauts, and all its under-tenures, with the exception of the ground at Channuck on the banks of the River which has been let out separately on lease to Messrs. Gordon, Stuart and Co.

A moiety or half part or share of Kismut Bemtah, &c., Talook Sreebutty, Pergunnah Calcutta, registered No. 147, with Lackraj, Kheraj, Tanks, Gardens, &c.

Putty Govindobatty, Pergunnah Calcutta, registered No. 149.

Kismut Robourah, Pergunnah Calcutta, registered No. 184.

Three annas and ten gundahs part or share of Kismut Khurdah, Estate Rogoodebnogur, in Pergunnah Hatiaghur, registered No. 1505, and Mehal Ghantee, &c., in Kismut Khurdah.

Kismut Kureempore, Pergunnah Calcutta, registered No. 1249.

Turruff Sunkerpore, in Pergunnah Magoorah, registered No. 124.

Five Gardens called or known as Cullier Bagan, Shower Bagan with pucka buildings erected thereon, Ram Biswas' Bagan, Shamur Bagan, Fool Bagan, situate in Mouzah Khurdah, Pergunnah Calcutta, and several Tanks and pieces and parcels of Kheraj and Lackraj Lands situate in Mouzah Khurdah, in Pergunnah Calcutta.

For further particulars apply at the Receiver's Office.

RECEIVER'S OFFICE;
Calcutta, No. 5, Strand,
The 9th April 1866.

Statement of the Affairs of the Bank of Bengal for the Week ending the 3rd April 1866.

LIABILITIES.			Rs. As. P.		ASSETS.			Rs. As. P.
Proprietors' Capital, paid-up	...	...	2,20,00,000 0 0		Government Securities, Investment No. 1	...	...	50,59,337 12 0
Reserve Fund	...	...	17,18,038 14 11		Loans on Government Securities at Head Office and Branches	...	...	1,67,10,200 0 0
General Treasury Balance at Head Office	...	Rs.	63,34,941 3 1		Accounts of Credit on ditto	...	...	17,44,357 14 3
Ditto ditto at Branches	...	,,	79,23,009 7 7	1,42,57,950 10 8	Mercantile Bills discounted at ditto	...	...	1,84,77,181 7 3
Other Deposits at Head Office and Branches	...	...	...	1,97,61,733 12 8	Dead Stock ditto	...	...	6,31,690 11 9
Bank Post Bills, &c.	...	...	...	1,83,809 9 2	Stamps ditto	...	...	11,436 15 0
Bank Notes Outstanding	...	...	...	1,57,780 0 0	Balances with other Banks	...	...	2,90,269 12 6
Sundries	...	...	...	11,24,777 13 4	Sundries ...	...	...	4,01,781 0 10
								4,32,26,255 9 0
					Cash and Currency Notes at Head Office	...	Rs.	86,80,719 11 3
					Ditto ditto, including Treasury Balance, at Branches	...	,,	72,96,115 8 6
								1,59,76,835 3 9
Rupees	...	...	...	5,92,03,090 12 9	Rupees	...		5,92,03,090 12 9

By Order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

J. GORDON,
Officiating Chief Accountant.

Bank of Bengal.

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on Thursday, the 12th current, on account of the Hindoo Festival Chayit Sungkranty, in conformity with Government Notification No. 64 of the 16th April 1862.

By Order of the Directors,

GEO. DICKSON,
Secy. and Treasurer.

CALCUTTA,
The 5th April 1866.

East Indian Railway.

NOTICE.

UNDER instructions from the Board of Directors in England, the business of this Company will hereafter be carried on by a Board of Agency, consisting of Mr. Edward Palmer, Mr. Cecil Stephenson, and Mr. Samuel Power.

All communications are to be addressed, and all Hoondees, Pay Orders, &c., are to be made payable, to—

EDWARD PALMER,
Chairman of the Board of Agency.

EAST INDIAN RAILWAY HOUSE;
Dalhousie Square,
Calcutta, the 3rd April 1866.

Calcutta Steam Tug Association, "Limited."

THE adjourned Half-yearly General Meeting of this Company will be held at the Office of the Company, No. 6, Church Lane, on the 30th instant, at noon, to receive the Report of the Committee appointed on the 29th ultimo.

AN Extraordinary General Meeting of the Company will be held at the Office of the Company, No. 6, Church Lane, on the 30th instant, at 12-30 P. M., for the purpose of considering the advisability of selling one or more of the Company's Steamers, and authorising the Directors to effect such sale or sales on such terms and conditions, and in such manner, as they shall think fit, and also to transact such other business as may be submitted to such Meeting.

By Order of the Directors,

GORDON, STUART & Co.,
Secys., Cal. S. T. Assn. "Limited."

CALCUTTA,
The 4th April 1866.

Spence's Hotel Company "Limited."

NOTICE TO PROPRIETORS OF STOCK.

AT an adjourned General Meeting of Shareholders held on the 21st instant an *ad interim* Dividend of 5 per cent., or Rupees 12-8 per Share, for the year ending 31st December 1865, was declared payable on the 11th proximo.

Registered Proprietors are requested to forward their Share Certificates, in order that Dividend Warrants may be prepared.

By Order of the Board of Directors,

W. A. BOUND,
Manager.

Notice.

THE interest and responsibility of MR. HERBERT PRESTON ceased in our Firm on the 31st December 1865.

PAYNE & Co.,
Belatee Bungalow.

CALCUTTA,
The 7th April 1866.

Muttuck Tea Company, "Limited."

WE hereby give notice that the Fourth Call of Rupees 10 per Share on Shares in this Company is due on the 25th instant.

Shareholders are requested to pay the amount due on their Shares into the Bank of Hindustan, China, and Japan, "Limited," on or before the above date, and to send in their Scrip to the undersigned for endorsement, accompanied by the Bank's receipt for the amount of the said Call.

By Order of the Directors,

TURNER, MORRISON & Co.,
Secretaries.

1, LYONS' RANGE;
Calcutta,
The 3rd April 1866.

Notice.

A SPECIAL General Meeting of the Shareholders of the India General Steam Navigation Company, "Limited," will be held at the Office of the Company on Saturday, the 14th day of April, at noon, for the purpose of confirming the Resolutions passed at the Special Meeting of Shareholders held on the 13th day of March last.

By Order of the Directors,

G. J. SCOTT,
Secy., I. G. S. N. Co., "Limited."

CALCUTTA,
The 3rd April 1866.

Notice.

THE interest and responsibility of MR. WALTER ELLIS in the Firm of HERON & Co. ceased from the 28th of February last. MR. CHARLES B. VICKERS will continue to sign the said Firm per procuration as heretofore.

HERON & Co.

CALCUTTA,
The 7th April 1866.

Notice.

MR. STEPHEN GEORGE BALMER is authorised to sign for me per procuration from this date.

R. GENTLE.

CALCUTTA,
The 6th March 1866.

Notice.

HUNTER AND CO., "LIMITED."

AN Extraordinary General Meeting of Shareholders will be held at the Office of this Company, Nos. 23, 24, 25, Dhurrumtollah, on Monday, the 23rd instant, at 4 P. M., to empower the Directors to borrow money on the Block of the Company for the use and purposes of the Company.

JOHN SHERRIFF,
Manager.

CALCUTTA,
The 6th April 1866.

Notice.

GOPAUL CHUNDER MOOKERJEA and Brothers, Hard-ware Merchants, who have been carrying on business in Burro Bazaar for several years, announce that the following members are the partners in the Firm:—1st, Chunder Coomar Mookerjea; 2nd, Gopaul Chunder Mookerjea; 3rd, Gungadhur Mookerjea; and 4th or last, Ramcally Mookerjea.

Lost,

Two Right-hand halves of Government Currency Notes, for Rupees 20 each. The Nos. are $\frac{A}{9}$53007 and $\frac{A}{9}$95344, both dated 11th July 1861.

Lost,

SECOND-HALF of Government Currency Note No. 62762, for Rupees 10.

Lost,

THE Right-hand Halves of Nagpore Government Currency Notes Nos. $\frac{A}{17}$51168 and $\frac{A}{17}$56984, for Rupees 10 each. Payment stopped at the Mint.

Lost,

THE Second-half of a Government Currency Note No. $\frac{A}{18}$35110, for Rupees 100. Payment stopped at the Mint.

Lost,

SECOND-HALF of Government Currency Note No. $\frac{A}{7}$39587, and First-half of Government Currency No. $\frac{A}{7}$39588, for Rupees 10 each. Payment stopped at the Mint.

Lost,

THE last-half of two Punjab Government Currency Notes Nos. $\frac{A}{20}$51920, for Rupees 100, dated 5th May 1864, and No. $\frac{A}{20}$33337, for Rupees 20, dated 15th May 1862. Any person giving notice of the same will be rewarded.

Lost,

ON or about the 15th November, in transmission through the Post Office, the Right-hand Halves of the under-mentioned Government Currency Notes, for Rupees 50 each:—

No. $\frac{A}{1}$74878, Rupees 50.
„ $\frac{A}{11}$74701, „ 50.

Lost,

THE Left-halves of the following Government Currency Notes, payment has been stopped:—

No. $\frac{A}{30}$25775 for Rupees 100.
„ $\frac{A}{13}$41306 „ „ 100.
„ $\frac{A}{17}$99891 „ „ 50.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Labourers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labour Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

Lost,

THE First-half of Government Currency Note No. $\frac{A}{9}$40986, for Rupees 20. Payment stopped at the Mint.

Lost,

THE Second-halves of Government Currency Notes No. $\frac{A}{11}$20230, for Rupees 50, and No. $\frac{A}{13}$60438, for Rupees 100. Payment stopped.

Stolen or Miscarried,

Two First-halves of Government Currency Notes Nos. $\frac{A}{13}$44687 and $\frac{A}{11}$46645, for Rupees 100 and 50 respectively.

Lost,

SECOND-HALF of the Government Currency Note No. $\frac{A}{17}$83641, for Rupees 50, dated 13th July 1861. Payment for which has been stopped at the Bank.

Lost,

IN transit, the First-half of Government Currency Notes No. $\frac{A}{25}$91366, and Second-half No. $\frac{A}{25}$85143, each for twenty Rupees.

Lost,

THE Left-half of Government Currency Note No. $\frac{A}{18}$18359, for Rupees 10.

WM. SINCLAIR.

Lost,

IN transit from Kooshtea on 21st March, Second-halves of Government Currency Notes—

No. $\frac{A}{30}$70696 for Rupees 100.
„ $\frac{A}{9}$83129 „ „ 20.
„ $\frac{A}{9}$78246 „ „ 20.
„ $\frac{A}{9}$82096 „ „ 20.
„ $\frac{A}{9}$77111 „ „ 20.

Lost,

Nos. $\frac{A}{9}$69299, $\frac{A}{9}$31930, $\frac{A}{9}$75350, and $\frac{A}{20}$24552, four half Notes, at 20 Rupees, and Nos. $\frac{A}{18}$09290, $\frac{A}{18}$53945, and $\frac{A}{18}$40710, three half Notes, at 10 Rupees.

P. S. D'ROZARIO & Co.

Lost,

THE Left-half of Government Currency Note No. $\frac{A}{18}$59131, dated Calcutta, 16th July 1861. Notice to stop payment has been given.

Lost,

SECOND-HALF of a Currency Note No. $\frac{A}{23}$19149, for Rupees 50.

Notice.

PUNKABAREE TEA COMPANY, "LIMITED."

THE contributory Shares Nos. 1001 to 1250 of this Company were forfeited on the 24th instant by a Resolution of the Directors.

By Order,
L. PEREIRA,
Secretary.

The 26th March 1866.

Notice.

ANY persons holding the Left-half of the Government Currency Note No. A/9 36005, for Rupees 20, dated July 11th 1861, or the Right-half of the Government Currency Note No. A/9 79853, for Rupees 20, dated July 11th 1861, are requested to communicate with the undersigned.

W. WAVELL,
Offg. Joint-Magistrate.

RUNGPORE,
The 19th March 1866.

Lost,

ON the 5th April 1866, by my servant Dowlut Currency Notes—

No.	30378	for Rupees	100.
„	18454	„ „	100.
„	51512	„ „	50.
„	02170	„ „	50.
„	45547	„ „	10.

SYED KERAMUT ALLI,
Motwallee of Hooghly Imambarra.

Lost,

A GOVERNMENT Currency Note No. A/15 16581, for Rupees 500. Payment stopped at the Mint.

Lost,

THE Left-halves of Government Currency Notes, viz.:—

No. A/11 65422, for Rupees 20.
„ A/7 97105, „ „ 10.

Lost or Stolen,

THE Left-halves of Government Currency Notes No. A/9 22237, for Rupees 10, and No. A/9 59900, for Rupees 20.

Lost,

SECOND-HALF of Government Currency Note, No. A/11 89935, for Rupees 50. Payment stopped.

NOTICES issued by the OFFG. POST MASTER GENERAL of BENGAL.

No. 8335.

BY order of the Director-General of the Post Office in India the rate of postage chargeable on letters conveyed from India to Hong-Kong or other British Post Offices in China by Her Majesty's Mail Steamers, or by the French Mail Steamers, will, from this date, be four annas on every letter not exceeding half an ounce in weight, and an additional sum of four annas per every additional half ounce or fraction of half an ounce in weight.

R. W. H. FANSHAWE, *Major,*
Offg. Post-Master General of Bengal.

CALCUTTA,
The 6th April 1866.

No. 8262.

THE Public are informed that an experimental Post Office has been opened at Buddengunge, which is 8 miles distant from the Kotulpore Post Office.

R. W. H. FANSHAWE, *Major,*
Offg. Post-Master General of Bengal.

CALCUTTA,
The 4th April 1866.

No. 8270.

THE Public are informed that two experimental Post Offices have been opened at Jalai and Mohoowah, in the Tirhoot District.

R. W. H. FANSHAWE, *Major,*
Offg. Post-Master General of Bengal,

CALCUTTA,
The 4th April 1866.

NOTICES issued by the POST-MASTER of CALCUTTA.

No. 376.

The 4th April 1866.—Mails for Akyab, Rangoon, and Moulmein, for transmission per Steamer *Rangoon*, will be closed at this Office on Sunday, the 15th instant, at 6 P. M.

Letters, &c., for Port Blair can be sent *vid* Rangoon by this opportunity.

No. 377.

The 4th April 1866.—Mails for Bimlipatam, Vizagapatam, Coconada, Madras, Negapatam, Colombo, Tuticorin, Cochin, Calicut, Cannanore, Mangalore, Carwar, and Bombay, for transmission per Steamer *Burmah*, will be closed at this Office on Saturday, the 14th instant, at 6 P. M.

No. 381.

The 10th April 1866.—The Overland Mail per Steamer *Moollan* will be closed on Sunday, the 22nd instant, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia can be sent by this opportunity.

Postage.	Weight.	*Vid* Marseilles.	*Vid* Southampton.
	Under ½ Ounce	Rs. 0 6 8	Rs. 0 4 0
	„ 1 „	„ 0 13 4	„ 0 8 0
	„ 2 „	„ 1 10 8	„ 1 0 0

No. 382.

The 10th April 1866.—The Public are informed that an Express Packet will be sent to Bombay on Monday, the 23rd instant, and letters will be received up to 6 P. M. of the same day.

The Express Postage must be paid in Stamps at one Rupee per half of an ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the window.

No. 383.

The 10th April 1866.—Mail Packets for the Overland Mail which leaves Bombay on the 29th April will be closed at this Office at 6 P. M. on each day as follows:—

Vid Southampton ... 21st April 1866.
Vid Marseilles ... 22nd „ „

Inland Postage to Bombay must be prepaid in Stamps on letters sent by this opportunity to places in Egypt and to Countries in Foreign Europe *vid* Trieste.

Rates of Postage.

	Vid Southampton.	*Vid* Marseilles.
	Rs. As. P.	Rs. As. P.
Under ½ Ounce	... 0 4 0	0 6 8
„ 1 „	... 0 8 0	0 13 4

No. 385.

The 10th April 1866.—Mails for Chittagong and Akyab, for transmission per Steamer *Moulmein*, will be closed at this Office on Sunday, the 22nd instant, at 6. P. M.

Printed and Published for the Government by THOMAS JONES, *at the Office of the Bengal Secretariat, Calcutta.*

APPENDIX TO

The Calcutta Gazette.

WEDNESDAY, APRIL 11, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE.

1*st*.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2*nd*.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3*rd*.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4*th*.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5*th*.—In addition to the ordinary Government Revenue fixed on the Estates the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue,

R. B. CHAPMAN,
Secretary.

NOTICE.

THE sale of the Government Estate of Pergunnah Doorlye, in the District of Tipperah, fixed on the 28th March 1866, is postponed until further orders.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,
Secretary.

FORT WILLIAM,
The 19th March 1866.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estate, situated in the District of 24-Pergunnahs, will be put up to sale, in the 24-Pergunnahs Collectorate, on the 10th May 1866, corresponding with 28th Bysack 1273 *B. S.*

The Purchaser of this Estate will be subject to the Conditions of sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix :—

Number on the District Roll.	Name of Estate and Pergunnah.	Area in Acres.	Government Revenue.			Upset Price.	Remarks.
			Revenue assessed.	Road Cess.	Total.		
		A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
1362	Sookchur, Pergunnah Calcutta ...	1 3 37	8 8 0	0 1 4	8 9 4	17 0 0	

COLLECTOR'S OFFICE;
24-Pergunnahs,
The 27th March 1866.

A. J. R. BAINBRIDGE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates will be put up to sale, in the Chittagong Collectorate, on Monday, the 30th day of April 1866, corresponding with the 18th Bysack 1273 *B. S.*, at an upset price of Rupees 6,854-6 and free for ever of all demands on account of Government Land Revenue.

The Purchaser of this Estate will be subject to the following Conditions of sale :—

One-tenth of the purchase money to be immediately deposited, and the remainder with interest to be recovered by instalments in ten years, in confirmity with the rules for the payment of purchase money and interest on the sale of Government Waste Lands.

Should any arrear of interest be unpaid on the 15th May of any year, or the whole purchase money not be paid before the 15th May of the tenth year following the sale, the Estate to be again put for sale after issue of advertisement for recovery of the arrear and at the risk of the defaulting purchaser.—

Number of Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Area in Acres.
			A. R. P. Y.
135	.....	Unassessed Waste Lands in Shurrul ...	1,758 1 36 29
136	.....	Ditto ditto in Gondamarrah ...	604 0 19 9¼
2 of 1864-65	147	Nelam Buddeanath Kanongoe Babut, Turruff Kanooram, Kismut Shurrul ...	347 1 24 24¼
8	38	Lapsed part of Turruff Alum Khan in ditto ...	1 3 30 6¼
	38769	Dukhul Salt Agent, Zammah Manollah ...	29 3 10 19¼
			2,741 3 1 28¾

CHITTAGONG COLLECTORATE,
The 8th March 1866.

A. SMITH,
Collector.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

SECOND APPENDIX TO

The Calcutta Gazette.

WEDNESDAY, APRIL 11, 1866.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in Zillah Chittagong, will be put up to public and unreserved sale, at the Collector's Office of that District, on Friday, the 20th April 1866, corresponding with 8th Bysack 1273 *B. S.*, for arrears of Revenue due on the 25th February 1866:—

Class I.—Permanently-settled Estates.

No. 64.—Nelam Anonde Manollah; Proprietors, Uzmut Ally and Dewan Ally Sowdagur; the Sudder Jumma of the Mehal is Rupees 1,160-0-3.

No. 2467.—Turuff Ruhman Tallip; Proprietor, Junnut Ally Khan Chowdery; the Sudder Jumma of the Mehal is Rupees 603-14-6.

Compromised-settled Mehals.

No. 3935.—Turuff Radha Madub; Proprietors, Baluckdass Mohunt, Monohurdass Mohunt, Ram Sonder Sein, and Sasseram Dustedar, exclusive of the shares of Mymoorah Khatoon and other undivided shares for which the Revenue is paid, the shares of Ram Sonder Sein and Sasseram Dustedar will be sold; the entire Sudder Jumma of the Mehal is Rupees 1,810-0-4.

A. Smith,
Collector.

Chittagong Collectorate,
The 24th March 1866.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estate, in Zillah Dinagepore, will be put up to public and unreserved sale, at the Collector's Office at that District, on Friday, the 4th of May 1866, corresponding with the 22nd Bysack 1273 *B. S.*:—

Class I.—Permanently-settled Estate.

Towjee No. 394.—Mouzah Shektar and others, Pergunnah Khangoir; recorded proprietors, Brojo Kristo Bhutacharjee, Koober Mookerjee, Bhogobotty Churn, Aumbica Churn, Trilochun Bhutacharjee, and Bromomoye Debya, mother of Srish Chunder Bhutacharjee; Sudder Jumma of which is Rupees 649-2-8¼. The two and half annas share of this Estate paying an annual Revenue of Rupees 101-6-11¼ of Brojo Kristo Bhutacharjee is to be sold under Section X., Act XI. of 1859.

W. Le. F. Robinson,
Collector.

Dinagepore Collr.'s Office,
The 7th April 1866.

Printed by Thomas Jones, at the Bengal Secretariat Office.

No. 16.] [767]

The Calcutta Gazette.

WEDNESDAY, APRIL 18, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information :—

THE INDIAN COMPANIES' ACT, 1866.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.

1. Short title.
2. Commencement of Act.
3. Interpretation Clause.
4. Prohibition of partnerships exceeding certain number.
5. Division of Act.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Mode of forming Company.
7. Mode of limiting liability of Members.
8. Memorandum of association of a Company limited by shares.
9. Memorandum of association of a Company limited by guarantee.
10. Memorandum of association of an unlimited Company.
11. Stamp, signature and effect of memorandum of association.
12. Power of certain Companies to alter memorandum of association.
13. Power of Companies to change name.

Articles of Association.

14. Regulations to be prescribed by Articles of Association.
15. Application of Table A
16. Stamp, signature and effect of Articles of Association.

General Provisions.

17. Registration of memorandum of association and Articles of Association with fees as in Table B.

Section.

18. Effect of registration.
19. Copies of memorandum and Articles to be given to members.
20. Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. Nature of interest in Company.
22. Definition of "Member."
23. Transfer by personal representative.
24. Register of Members.
25. Annual list of members.
26. Penalty on Company, &c., not keeping a proper register.
27. Company to give notice of consolidation or of conversion of capital into stock.
28. Effect of conversion of shares into stock.
29. Entry of trusts on register.
30. Certificate of shares or stock.
31. Inspection of register.
32. Power to close register.
33. Notice of increase of capital and of members to be given to Registrar.
34. Remedy for improper entry or omission of entry in register.
35. Notice to Registrar of rectification of register.
36. Register to be evidence.

Liability of Members.

37. Liability of present and past members of Company.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

38. Registered Office of Company.
39. Notice of situation of registered Office.
40. Publication of name by a limited Company.
41. Penalties on non-publication of name.
42. Contracts how made.
43. Register of mortgages.
44. Certain Companies to publish statement entered in Schedule.
45. List of Directors to be sent to Registrar.
46. Penalty on Company not keeping Register of Directors.
47. Promissory Notes, Bills of Exchange, and Hundís.
48. Prohibition against carrying on business with less than seven members.

Section.

Provisions for Protection of Members.

49. General Meeting of Company. Balance-sheet. Audit.
50. Power to alter regulations by Special Resolution.
51. Definition of Special Resolution.
52. Provision where no regulations as to meetings.
53. Registry of Special Resolutions.
54. Copies of Special Resolutions.
55. Execution of deeds abroad.
56. Examination of affairs of Company by Inspectors.
57. Application for inspection to be supported by evidence.
58. Inspection of books.
59. Result of examination how dealt with.
60. Power of Company to appoint Inspectors.
61. Report of Inspectors to be evidence.

Notices.

62. Service of notices on Company.
63. Rules as to notices by letter.
64. Authentication of notices by Company.

Legal Proceedings.

65. Evidence of proceedings at meetings.
66. Provision as to costs in suits brought by certain limited Companies.
67. Plaint in suits against members.

Alteration of Forms.

68. Governor-General in Council may alter Forms in Schedule.

Arbitrations.

69. Power for Companies to refer matters to arbitration.
70. Power to alter or revoke agreements for reference.
71. Agreements to be carried into effect.
72. Reference to Arbitrator.
73. Reference to two or more Arbitrators.
74. Appointment of Arbitrators by Companies.
75. Appointment of Arbitrators by Local Government.
76. Appointment of Arbitrators by Companies to supply vacancies.
77. Appointment of Arbitrators by Local Government to supply vacancies.
78. Appointment of Arbitrator not revocable.
79. Appointment of Umpire by Arbitrators.
80. Appointment of Umpire by Local Government.
81. Appointment of Umpire by Arbitrators to supply vacancy.
82. Appointment of Umpire by Local Government to supply vacancy.
83. Succeeding Arbitrators and Umpires to have powers of predecessors.
84. Reference to Umpire.
85. Power for Arbitrators, &c., to call for books, &c., and administer oath.
86. Procedure in the arbitration.
87. Arbitration may proceed in absence of Companies.
88. Several awards may be made.
89. Awards made in due time to bind all parties.
90. Power for Umpire to extend period for making his award.
91. Awards not to be set aside for informality.
92. Awards to be obeyed.
93. Agreements, arbitrations, and awards to have effect.
94. Costs of arbitration and award.
95. Payment of costs.
96. Submission to arbitration to be filed in Court.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

97. Meaning of contributory.
98. Nature of liability of contributory.

Section.

99. Contributories in case of death.
100. Contributories in case of insolvency.

Winding up by Court.

101. Circumstances under which Company may be wound up by Court.
102. Company when deemed unable to pay its debts.
103. Definition of "the Court."
104. Application for winding-up to be made by petition.
105. Commencement of winding-up by Court.
106. Court may grant injunction.
107. Course to be pursued by Court on hearing application.
108. Suits to be stayed after order for winding-up.
109. Copy of order to be forwarded to Registrar.
110. Power of Court to stay proceedings.
111. Effect of order on share-capital of Company limited by guarantee.
112. Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. Appointment of Official Liquidator.
114. Resignations, removals, filling up vacancies, and compensation.
115. Style and duties of Official Liquidator.
116. Powers of Official Liquidator.
117. Discretion of Official Liquidator.
118. Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. Collection and application of assets.
120. Provision as to representative contributories.
121. Power of Court to require delivery of property.
122. Power of Court to order payment of debts by contributory.
123. Power of Court to make calls.
124. Power of Court to order payment into Bank.
125. Regulation of account with Court.
126. Provision in case of representative contributory not paying monies ordered.
127. Order conclusive evidence.
128. Court may exclude creditors not proving within certain time.
129. Court to adjust rights of contributories.
130. Court to order costs.
131. Dissolution of Company.
132. Registrar to make Minute of dissolution of Company.
133. Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. Power of Court to summon persons before it suspected of having property of Company.
135. Examination of parties by Court.
136. Power to arrest contributory about to abscond or to remove or conceal any of his property.
137. Powers of Court cumulative.

Enforcement of and Appeal from Orders.

138. Power to enforce orders.
139. Order made in any Court to be enforced by other Courts.
140. Mode of dealing with orders to be enforced by other Courts.
141. Appeals from orders.
142. Judicial notice to be taken of signature of Officers.
143. Special Commissioners for receiving evidence.
144. Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary winding-up of Company.

145. Circumstances under which Company may be wound up voluntarily.
146. Commencement of voluntary winding-up.

Section.
147. Effect of voluntary winding-up on status of Company.
148. Notice of resolution to wind up voluntarily.
149. Consequences of voluntary winding-up.
150. Effect of winding-up on share-capital of Company limited by guarantee.
151. Power of Company to delegate authority to appoint Liquidators.
152. Arrangement when binding on creditors.
153. Power of creditor or contributory to appeal.
154. Power for Liquidators or contributories in voluntary winding-up to apply to Court.
155. Power of Liquidators to call General Meeting.
156. Power to fill up vacancy in office of Liquidators.
157. Power of Court to appoint Liquidators.
158. Liquidators on conclusion of winding-up to make up an account.
159. Liquidators to report meeting to Registrar.
160. Costs of voluntary liquidation.
161. Saving of rights of creditors.
162. Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. Power of Court, on application, to direct winding-up subject to supervision.
164. Petition for winding-up subject to supervision.
165. Court may have regard to wishes of creditors.
166. Power to Court to appoint additional Liquidators in winding-up subject to supervision.
167. Effect of order of Court for winding-up subject to supervision.
168. Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Dispositions after the commencement of the winding-up avoided.
170. The books of the Company to be evidence.
171. As to disposal of books, accounts, and documents of the Company.
172. Inspection of books.
173. General scheme of liquidation may be sanctioned.
174. Power to compromise.
175. Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.
176. Mode of determining price.
177. Appointment of Arbitrator when questions are to be determined by arbitration.
178. Vacancy of Arbitrator to be supplied.
179. Appointment of Umpire.
180. Power of Arbitrators to call for books, &c.
181. Costs to be in the discretion of the Arbitrators.
182. Submission to arbitration may be filed in Court.
183. Certain attachments, distresses and executions to be void.
184. Fraudulent preference.
185. Power of Court to assess damages against delinquent Directors and Officers.
186. Penalty on falsification of books.
187. Prosecution of delinquent Directors in the case of winding-up by Court.
188. Penalty of false evidence.

Power of High Court to make Rules.

189. Power of High Court to make rules.

PART V.

REGISTRATION OFFICE.

190. Constitution of Registration Office.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

191. Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

Section.
192. Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.
193. Mode of transferring shares.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

194. Companies capable of being registered.
195. Regulations as to registration of existing Companies.
196. Definition of Joint Stock Company.
197. Requisitions for registration by Companies.
198. Requisitions for registration by existing Company not being a Joint Stock Company.
199. Power for existing Company to register amount of stock instead of shares.
200. Authentication of statements of existing Companies.
201. Registrar may require evidence as to nature of Company.
202. On registration of Banking Company with limited liability, notice to be given to customers.
203. Exemption of certain Companies from payment of fees.
204. Company to change name.
205. Certificate of registration of existing Companies.
206. Certificate to be evidence of compliance with Act.
207. Transfer of property to Company.
208. Registration under this Act not to affect obligations incurred previously to registration.
209. Continuation of existing suits.
210. Effect of registration under Act.
211. Powers of Court to restrain further proceedings.
212. Order for winding up Company.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES

213. Winding-up of unregistered Companies.
214. Who to be deemed a contributory in the event of Company being wound up.
215. Power of Court to restrain further proceedings.
216. Effect of order for winding up Company.
217. Provision in case of unregistered Company.
218. Provisions in this Part of Act cumulative.

PART IX.

REPEAL OF ACTS AND MISCELLANEOUS PROVISIONS.

219. Repeal of Acts.
220. Saving Clause as to repeal.
221. Saving of existing proceedings for winding up.
222. Saving of Conveyance Deeds.
223. Compulsory registration of certain Companies.
224. Penalty on Company not registering.
225. Cognizance of offences under this Act.
226. Punishment of offences under this Act, committed within local limits of High Court.
227. Levy of fines by distress.
228. Procedure until return is made to distress warrant.
229. Imprisonment if no sufficient distress.
230. Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.
231. Act not to apply to Banks of Bengal, Madras or Bombay.

Act No. X of 1866.

An Act for the incorporation, regulation, and winding-up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of Trading Companies and other associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the first day of May 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India."

"British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106, entitled "An Act for the better Government of India:"

"Year." "Month."

"Year" and "month" respectively denote a year and month reckoned according to the British calendar:

"Insurance Company."

An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses:

"Court."

"Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original Civil jurisdiction:

"District Court."

"District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court."

And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part and includes a Chief Commissioner; and "High Court" denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor-General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding-up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them:

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

Constitution and Incorporation of Companies and Associations under this Act.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount,

Subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited

guarantee, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an Unlimited Company, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of memorandum of association.

11. The memorandum of association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by Special Resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically: They may adopt all or any of the provisions contained in the Table marked A in the first Schedule hereto: They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and Articles of Association with fees as in Table B.

17. The memorandum of association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the memorandum of association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand

that the Company is incorporated, and in the case of a Limited Company that the Company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a Body Corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

19. A copy of the memorandum of association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Copies of memorandum and Articles to be given to members.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Nature of interest in Company.

22. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the Register of Members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the Register of Members, shall be deemed to be a member of the Company.

Definition of "Member."

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

24. Every Company under this Act shall cause to be kept in one or more books a Register of its members, and there shall be entered therein the following particulars:—

Register of Members.

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the Register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper Register.

Company to give notice of consolidation or of conversion of capital into stock.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall within fifteen days of such consolidation, division or conversion, give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Effect of conversion of shares into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the Register of Members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on Register.

29. No notice of any trust, express, implied or constructive, shall be entered on the Register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Certificate of shares or stock.

30. A certificate under the common seal of the Company, specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of Register.

31. The Register of Members, commencing from the date of the registration of the Company, shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such Register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the Register.

Power to close Register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any time or times not exceeding in the whole thirty days in each year.

Notice of increase of capital and of members to be given to Registrar.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within fifteen days from the date of the passing of the Resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in Register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the Register of Members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the Register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the Register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the Register; provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of Register.

35. Whenever any order has been made for rectifying the Register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The Register of Members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a Limited Company.

40. Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundis, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

41. If any Limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundi, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundi, Promissory Note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1.) Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

43. Every Limited Company under this Act shall keep a Register of all mortgages and charges specifically affecting property of the Company, and shall enter in such Register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The Register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty any Judge of the High Court may by order compel an immediate inspection of the Register.

Certain Companies to publish statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a Register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such Register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act and not having a capital divided into shares makes default in keeping a Register of its Directors or Managers, or in sending a copy of such Register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange and Hundis.

47. A Promissory Note, Bill of Exchange or Hundi shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General Meeting of Company.

Balance-sheet.

49. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this Section, every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to a penalty of one thousand rupees.

Audit.

Power to alter regulations by Special Resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any Company formed under this Act may, in General Meeting, from time to time, by passing a Special Resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by Special Resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting every member shall have one vote, and in default of any regulations as to summoning General Meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of Special Resolutions.

53. A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the Resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which

such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney on behalf of the Company and under his seal, shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Execution of deeds abroad.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

Examination of affairs of Company by Inspectors.

(1.) In the case of a Banking or any other Company that has a capital divi ied into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(2.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the Register of the Company as members.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Application for inspection to be supported by evidence.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any such Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Inspection of books.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Result of examination how dealt with.

60. Any Company under this Act may by a Special Resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

Power of Company to appoint Inspectors.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Report of Inspectors to be evidence.

Notices.

62. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same, or sending it through the Post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the Post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Service of notices on Company.

63. Every document to be served by Post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Rules as to notices by letter.

64. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Authentication of notices by Company.

Legal Proceedings.

65. Every Company under this Act shall cause minutes of all Resolutions and proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Evidence of proceedings at meetings.

66. Where a Limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in suits brought by certain Limited Companies.

67. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Plaint in suits against member.

Alteration of Forms.

68. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms, as he deems requisite. Any such Table or form, when altered, shall be published in the Gazette of India, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor-General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Governor-General in Council may alter forms in Schedule.

Arbitrations.

69. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power for Companies to refer matters to arbitration.

70. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Power to alter or revoke agreements for reference.

71. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Agreements to be carried into effect.

72. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to Arbitrator.

73. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Reference to two or more Arbitrators.

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

74. Where there are to be two or more Arbitrators, every Company shall by writing under their common seal appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government.

76. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Companies to supply vacancies.

77. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government to supply vacancies.

78. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of Arbitrator not revocable.

79. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Arbitrators.

80. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Local Government.

81. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impar-

Appointment of Umpire by Arbitrators to supply vacancy.

tial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

82. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their Umpire, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire. The Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

83. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

84. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

85. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

86. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

87. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred. Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

89. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

90. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

91. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

92. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered, shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

93. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

94. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of costs.

95. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

96. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

97. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

98. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times

when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

99. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in a due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

100. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

101. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

102. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

103. The expression "the Court," as used in this Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company it shall be stipulated that the Company wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding-up to be made by petition.

104. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties, together or separately. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Commencement of winding-up by Court.

105. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

106. The Court may, at any time after the presentation of a petition for winding up a Company under this Act and before making an order for winding up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time after the presentation of such petition and before the first appointment of Liquidators, appoint provisionally an Official Liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

107. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

108. When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

109. When an order has been made for winding-up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies; who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay proceedings.

110. The Court may at any time after an order has been made for winding up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

111. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

112. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons to be called an Official Liquidator or Official Liquidators. The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of Official Liquidator or Official Liquidators. In all cases, if more persons than one are appointed to the office of Official Liquidator, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any Official Liquidator on his appointment. If no Official Liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Appointment of Official Liquidator.

114. Any Official Liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an Official Liquidator appointed by the Court shall be filled by the Court. There shall be paid to the Official Liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more Liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Resignations, removals, filling up vacancies, and compensation.

115. The Official Liquidator or Liquidators shall be described by the style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Style and duties of Official Liquidator.

116. The Official Liquidator shall have power, with the sanction of the Court, to do the following things:—

Powers of Official Liquidator.

(1.) To bring or defend any suit or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and ratably with the other separate creditors:

(6.) To draw, accept, make and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company, shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the Official Liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

117. The Court may provide by any order that the Official Liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an Official Liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of Official Liquidator.

118. The Official Liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the Register of Members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

120. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

121. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent, or Officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the Official Liquidator any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

122. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Part of this Act. The Court may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

123. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves. The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to make calls.

124. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the Official Liquidator instead of to the Official Liquidator, and such order may be enforced in the same manner as if it had directed payment to the Official Liquidator.

Power of Court to order payment into Bank.

125. All monies, bills, notes and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same, as the Court may direct.

Regulation of account with Court.

126. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

127. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Order conclusive evidence.

128. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

129. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

130. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

131. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

132. Any order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

133. If the Official Liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

135. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

136. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or

Power to arrest contributory about to abscond or to remove or conceal any of his property.

otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

137. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

138. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

139. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

140. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

141. Re-hearings of and appeals from any order or decision made or given in the matter of the winding-up of a Company by the Court, may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers.

142. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this Part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

143. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

144. If any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

145. A Company under this Act may be wound up voluntarily,

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a Special Resolution as hereinbefore defined.

Commencement of voluntary winding-up.

146. A voluntary winding-up shall be deemed to commence at the time of the passing of the Resolution authorizing such winding-up.

Effect of voluntary winding-up on status of Company.

147. Whenever a Company is wound upvoluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares except transfers made to or with the sanction of the Liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding-up shall

be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

148. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Notice of Resolution to wind up voluntarily.

149. The following consequences shall ensue upon the voluntary winding-up of a Company:—

Consequences of voluntary winding-up.

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu*, and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company:

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property:

(3.) The Company in General Meeting shall appoint such persons or person as it thinks fit to be Liquidators or a Liquidator, and may fix the remuneration to be paid to them or him:

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the appointment of Liquidators, all the powers of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the continuance of such powers:

(6.) When several Liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(7.) The Liquidators may, without the sanction of the Court, exercise all powers by this Act given to the Official Liquidators:

(8.) The Liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(9.) The Liquidators may at any time after the passing of the Resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the Liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(10.) The Liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

150. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Liquidators.

Effect of winding-up on share-capital of Company limited by guarantee.

151. A Company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an Extraordinary Resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing Liquidators or any of them, and supplying any vacancies in the appointment of Liquidators, or may by a like Resolution enter into any arrangement with respect to the powers to be exercised by the Liquidators and the manner in which they are to be exercised. Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Power of Company to delegate authority to appoint Liquidators.

152. Any arrangement which a Company about to be wound up voluntarily or in the course of being wound up voluntarily shall have entered into with its creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Arrangement when binding on creditors.

153. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power of creditor or contributory to appeal.

154. Where a Company is being wound up voluntarily, the Liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power for Liquidators or contributories in voluntary winding-up to apply to Court.

155. Where a Company is being wound up voluntarily, the Liquidators may, from time to time during the continuance of such winding-up, summon General Meetings of the Company for the purpose of obtaining the sanction of the Company by Special Resolution or Extraordinary Resolution or for any other purposes they think fit. In the event of the winding-up continuing for more than one year, the Liquidators shall summon a General Meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding-up has been conducted during the preceding year.

Power of Liquidators to call General Meeting.

156. If any vacancy occurs in the office of Liquidators appointed by the Company, by death, resignation or otherwise, the Company in General Meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a General Meeting for the purpose of filling up such vacancy may be convened by the continuing Liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing Liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power to fill up vacancy in office of Liquidators.

157. If from any cause whatever there is no Liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a Liquidator or Liquidators. The Court may also, on due cause shown, remove any Liquidator, and appoint another Liquidator to act in the matter of a voluntary winding-up.

Power of Court to appoint Liquidators.

158. As soon as the affairs of the Company are fully wound up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the Liquidators. The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting, in the manner specified in Section 148.

Liquidators on conclusion of winding-up to make up an account.

159. The Liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the Liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Liquidators to report meeting to Registrar.

160. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Costs of voluntary liquidation.

161. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors.

162. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Power of Court, on application, to direct winding-up subject to supervision.

164. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Petition for winding-up subject to supervision.

165. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of a Liquidator or of Liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors.

166. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional Liquidator or Liquidators. Any Liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any Liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Power to Court to appoint additional Liquidators in winding-up subject to supervision.

167. Where an order is made for a winding-up subject to the supervision of the Court, the Liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the Liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court. In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the Official Liquidators, the expression Official Liquidators shall be deemed to mean the Liquidators conducting the winding-up subject to the supervision of the Court.

Effect of order of Court for winding-up subject to supervision.

168. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be Official Liquidators.

Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the members of the Company made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding-up avoided.

170. Where any Company is being wound up, all books, accounts and documents of the Company and of the Liquidators shall, as between the contributories of the Com-

The books of the Company to be evidence.

pany, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

171. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the Liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an Extraordinary Resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

172. Where an order has been made for winding up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

173. The Liquidators may, with the sanction of the Court, where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the Liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

174. The Liquidators may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the Liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.

175. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the Liquidators of the first mentioned Company may, with the sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general authority on the Liquidators, or an authority in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the Special Resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such Special Resolution in writing addressed to the Liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such Special Resolution was passed, such dissentient member may require the Liquidators to do one of the following things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the Company is dissolved, and to be raised by the Liquidators in such manner as may be determined by Special Resolution. No Special Resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such Resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

176. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of Arbitrator when questions are to be determined by arbitration.

177. When any dispute so directed to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an Arbitrator to whom such dispute shall be referred. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation. If for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

178. If before the matters so referred shall be determined any Arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of Umpire.

179. Where more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ. If such Umpire shall die, or refuse or for seven days neglect to act, they shall forthwith, after such death, refusal or neglect, appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

180. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Power of Arbitrators to call for books, &c.

181. The costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be.

Costs to be in the discretion of the Arbitrators.

182. On the application of either of the parties the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Submission to arbitration may be filed in Court.

183. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment distress or execution put in force against the estate or effects of the Company after the commencement of the winding-up shall be void.

Certain attachments, distresses and executions to be void.

184. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly. For the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a Resolution for winding up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees for the benefit of all its creditors, shall be void.

Fraudulent preference.

185. Where in the course of the winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Power of Court to assess damages against delinquent Directors and Officers.

186. If any Director, Officer or contributory of any Company wound up under this Act, destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Penalty on falsification of books.

187. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Prosecution of delinquent Directors in the case of winding-up by Court.

188. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code for a term which may extend to seven years and shall also be liable to fine.

Penalty of false evidence.

Power of High Court to make Rules.

189. The High Court may make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure. But until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

Power of High Court to make rules.

PART V.

Registration Office.

190. The registration of Companies under this Act shall be conducted as follows; (that is to say)—

Constitution of Registration Office.

(1.) The Local Government may, after the sanction of the Governor-General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the memorandum of association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks and other Officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor-General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

191. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a Limited Company, as if such Company had been formed and registered as an Unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by Special Resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an Unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

192. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

193. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

194. With the exceptions made in the next following Section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor-General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an Unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

195. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act: (that is to say)—

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by guarantee:

(3.) No Life Assurance Company existing at the time of the commencement of this Act, and no Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally or by proxy in cases where proxies are allowed by the regulations of the Company, at some General Meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council, or by Letters Patent, is about to register as a Limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a Resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

196. For the purposes of this Part of this Act so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons: and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

197. Previously to the registration, in pursuance of this Part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say),

Requisitions for registration by Companies.

(1.) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor-General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say)—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of the guarantee.

198. Previously to the registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor-General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

199. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Power for existing Company to register amount of stock instead of shares.

200. The lists of members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Authentication of statements of existing Companies.

201. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as hereinbefore defined.

Registrar may require evidence as to nature of Company.

202. Every Banking Company existing at the date of the passing of this Act which registers itself as a Limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the Post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

On registration of Banking Company with limited liability, notice to be given to customers.

203. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a Limited Company, or where, previously to its being registered as a Limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor-General of India in Council, or by Letters Patent.

Exemption of certain Companies from payment of fees.

204. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Company to change name.

205. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate of registration of existing Companies.

206. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Certificate to be evidence of compliance with Act.

207. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in

Transfer of property to Company.

the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

208. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of such Company previously to such registration.

Continuation of existing suits.

209. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public Officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

210. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the Resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say),

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor-General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) Nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

211. The Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this Part of this Act, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

212. Where an order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

213. Subject as hereinafter mentioned any partnership, association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor-General of India in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term Unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An Unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an Unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered Office of the Company:

(2.) No Unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court:

(3.) The circumstances under which an Unregistered Company may be wound up are as follows; (that is to say):—

(a.) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(b.) Whenever the Company is unable to pay its debts;

(c.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An Unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts,

(a.) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(b.) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and, notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same:

(c.) Whenever execution or other process, issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(d.) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

214. In the event of an Unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company. Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

215. The Court may, at any time after the making of an application for winding up an Unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up Company.

216. Where an order has been made for winding up an Unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of Unregistered Company.

217. If any Unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the Official Liquidator or Official Liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official name or names, or in such name or names and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

218. The provisions made by this Part of the Act with respect to Unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court. The Court or Official Liquidator may, in addition to any thing contained in this Part of the Act, exercise any powers or do any act in the case of Unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an Unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

Repeal of Acts and Miscellaneous Provisions.

Repeal of Acts.

219. After the commencement of this Act, there shall be repealed the several Acts specified in the third Schedule hereto.

Saving Clause as to repeal.

220. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Saving of existing proceedings for winding up.

221. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily

such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding-up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

222. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

223. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

224. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing but shall not be incapable of being made a defendant to a suit.

(2.) No dividend shall be payable to any shareholder in such Company.

(3.) Each Director or Manager of the Company shall, for each day during which the Company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may have incurred by reason of its not having registered under the said Act No. XIX of 1857.

Cognizance of offences under this Act.

225. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate, unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences under this Act, committed within local limits of High Court.

226. If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Levy of penalties by distress.

227. All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's moveable property by warrant under the hand of the Officer imposing the penalty.

Procedure until return is made to distress warrant.

228. In case any such penalty shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment if no sufficient distress.

229. If, upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient moveable property whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

230. In Sections 1 and 18 of Act No. XXI of 1860 *(for the registration of Literary, Scientific and Charitable Societies)*, the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Act not to apply to Banks of Bengal, Madras or Bombay.

231. Save as provided in Section 125, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in General Meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the Ordinary General Meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a Resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in General Meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a Resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a Special Resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in General Meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first General Meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an Extraordinary General Meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(36.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(37.) No business shall be transacted at any General Meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution.

(43.) If a poll is demanded by five or more members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting. In the case of an equality of votes at any General Meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

Company Limited.

I of being a member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary or Extraordinary, as the case may be) General Meeting of the Company to be held on the day of , and at any adjournment thereof (or, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise

all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first Ordinary Meeting after the registration of the Company, the whole of the Directors shall retire from office; and at the first Ordinary Meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the Ordinary Meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company in General Meeting may, by a Special Resolution, remove any Director before the expiration of his period of office, and may by an Ordinary Resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors; subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the applicaton of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the Register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 Cr.

		CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.				
		SHOWING:	Rs.	As.			SHOWING:	Rs.	As.
I. CAPITAL.	1	The number of share			III. PROPERTY HELD BY THE COMPANY.	7	Immoveable property. Distinguishing—		
	2	The amount paid for shares					(*a*) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters ...					(*b*) „ Buildings		
							(*c*) Leasehold „		
	4	The particulars of any forfeited shares ...				8	Moveable property. Distinguishing—		
							(*d*) Stock in Trade		
		SHOWING:					(*e*) Plant		
II. DEBTS AND LIABILITIES OF THE COMPANY.	5	The amount of loans on mortgages or debenture bonds					The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss ...		
	6	The amount of debts owing by the Company, distinguishing							
		(*a*) Debts for which acceptances have been given			IV. DEBTS OWING TO THE COMPANY.		SHOWING:		
		(*b*) Debts to tradesmen for supplies of stock in trade or other articles ...				9	Debts considered good for which the Company hold bills or other securities ...		
		(*c*) Debts for law expenses ...				10	Debts considered good for which the Company hold no security		
		(*d*) Debts for interest on debentures or other loans				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated ...		
		(*e*) Unclaimed dividends							
		(*f*) Debts not enumerated above ...							
VI. RESERVE FUND.		SHOWING:			V. CASH AND INVESTMENTS.		SHOWING:		
		The amount set aside from profits to meet contingencies.				12	The nature of investment and rate of interest		
VII. PROFIT AND LOSS.		SHOWING:				13	The amount of cash, where lodged, and if bearing interest		
		The disposable balance for payment of dividends, &c.							
CONTINGENT LIABILITIES.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable							

(*a*) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ..	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the Articles of Association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less number than 50 members after the first 100.			
For registration of a Company in which the number of members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ...	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were: —

Debts owing to sundry persons by the Company:

Under decree, Rs.

On specialty, Rs.

On Notes or Bills, Rs.

On Simple Contracts, Rs.

On estimated Liabilities, Rs.

The Assets of the Company on that day were :—

Government Securities [*stating them*], Rs.

Bills of Exchange and Promissory Notes, Rs.

Cash at the Bankers, Rs.

Other Securities, Rs.

SECOND SCHEDULE.

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "the Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each subscriber.
1. A. B. of ...	
2. C. D. ,, ...	
3. E. F. ,, ...	
4. G. H. ,, ...	
5. I. J. ,, ...	
6. K. L. ,, ..	
7. M. N. ,, ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of

* If the Company has no capital divided into shares, the portion of the Statement relating to capital and shares must be omitted.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "the Mutual Calcutta Marine Association, Limited."

2*nd.*—The registered Office of the Company will be situate in Calcutta.

3*rd.*—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures

O P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The Directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows: that is to say, if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting if convened upon the requisition of the members, shall be dissolved. In any other case it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

COMPANY LIMITED.

I of
being a member of the
Company Limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary or Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of

Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the memorandum of association.

(26.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of members.

(31.) Subsequent Audit Committees shall be nominated by the members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in to the Post Office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Indian Companies' Act, 1866, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... .. ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L of .. ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "The Hotel Company, Limited."

2*nd*.—The registered Office of the Company will be situate in

3*rd*.—The objects for which the Company is established are "the facilitating travelling in
by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th*.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P. of

Memorandum and Articles of Association of an Unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st*.—The name of the Company is "The Patent Company."

2*nd*.—The registered Office of the Company will be situated in

3*rd*.—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding memorandum of association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. . of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of

Nominal Capital Rs. divided into shares of Rs. each

Number of Shares taken up to the day of

There has been called up on each Share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held Shares therein at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional Shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850 ...	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857 ...	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.
No. VII of 1860 ...	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1866, and is hereby promulgated for general information :—

ACT No. XI OF 1866.

An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).

WHEREAS the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, cap. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :— Preamble.

1. Act No. IV of 1855 is hereby repealed except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act. Repeal of Act IV of 1855.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights, and liabilities of the said Company shall continue as if this Act had not been passed. For two months the powers, rights, and liabilities of Assam Company not to be affected.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XII OF 1866.

An Act to provide for the compulsory taking of rights to form and maintain private water-courses from public works of irrigation.

WHEREAS it is expedient to provide for the compulsory taking of rights to form and maintain private water-courses through lands lying between public works of irrigation and the lands, mills, sewers, reservoirs or buildings of persons desiring water from such works for the purposes of irrigating, working or cleansing such lands, mills or sewers, or for bathing, drinking, manufacturing or other useful purposes; It is enacted as follows :— Preamble.

1. In this Act, words in the singular include the plural, and words in the plural include the singular; "Section" means a Section of this Act; and in every place in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such place and includes a Chief Commissioner: "Collector" includes any Officer authorized to exercise the duties of a Collector of the land revenue of such place: and "Canal Officer" means the chief Officer invested by the Local Government with the immediate control of the District defined by the Local Government for the purposes of irrigation in which such place shall be situate. Interpretation Clause. Number. "Section." "Local Government." "Collector." "Canal Officer."

2. Whenever any person shall require the right to form and maintain, for any of the purposes aforesaid, a private water-course through the lands (hereinafter called the intervening lands) lying between a public work of irrigation and his own lands, mills, sewers, reservoirs or buildings, he shall apply in writing under his hand to the Canal Officer, stating— Application to Canal Officer.

(1.) The particulars of the right so required:

(2.) That the applicant is willing to pay a reasonable sum for the purchase, rent or revenue thereof, to defray the expense of the survey, memoranda and plans required by this Act, to make reasonable compensation for any injury that may be caused to the intervening lands and to the crops thereon by the formation of the proposed water-course, and to construct and maintain such works connected therewith as may be necessary; and

(3.) That he has endeavored unsuccessfully to enter into an agreement with the owners, tenants and occupiers of the intervening lands as to the amount of the purchase-money or rent and compensation aforesaid.

Such application shall bear a stamp of eight annas. Stamp.

3. On receiving such application, the Canal Officer shall visit the intervening lands and make enquiry as to the expediency Canal Officer to make local enquiry.

of forming the proposed water-course. If he is not satisfied of such expediency, he shall reject the application. But if he is satisfied of such expediency, he shall cause to be made at the applicant's expense a survey of the intervening lands and a memorandum and plan shewing the direction, length, width and depth of the proposed water-course; the bridges, aqueducts, drains or other works (if any) to be made in connection therewith, and the amount of land required therefor. Such memorandum shall also state that, in the opinion of the Canal Officer, the formation of the proposed water-course will be a benefit to the applicant, and will cause no disproportionate injury to the intervening lands, and it shall be subscribed by the Canal Officer and recorded in his Office.

And either to reject application.

Or to cause survey, memorandum, and plan to be made.

Memorandum to be subscribed and recorded by Canal Officer.

4. The Canal Officer shall forward the said plan together with a copy under his hand of such memorandum to the Collector, who shall furnish a copy under his hand of the memorandum to the Lumberdar or Sudder Malguzar of every village through which the proposed water-course is to pass.

Plan and copy of memorandum forwarded to Collector, and copy of memorandum furnished by him to Lumberdars.

5. The Collector shall also cause the contents of the said memorandum to be proclaimed in every such village in the local vernacular language, and shall at the same time cause notice to be published in the same language in every such village that any person interested in the lands to be traversed by the proposed water-course, and objecting to its formation, shall be at liberty to apply to him within fifteen days from the date of such proclamation.

Proclamation of contents of memorandum.

6. Any such person may, within the time hereinbefore limited, present a petition to the Collector, stamped with a stamp of the value of eight annas and setting forth his objections to the formation of the proposed water-course. The Collector may in his discretion either reject the petition, recording his reasons thereon, or make an enquiry, of which he shall give previous notice to the Canal Officer, as to the validity of the objections, and summon witnesses and require them to produce before him all such documents as he shall think fit. Persons so summoned shall be subject to the law for the time being in force as regards persons summoned before a Collector acting judicially.

Petition to Collector against water-course.

Procedure of Collector on receipt of petition.

7. If no objection shall have been made under the provisions of Section 6;

Or if the Collector shall think that the objections (if any) to the formation of the proposed water-course are sufficient and that such water-course should be formed;

Or if he shall think that such objections are sufficient, and that it should not be formed;

Or if he shall think that such objections exist, but that they may be obviated by the construction of bridges, aqueducts, drains or other such works, in addition to the works (if any) referred to in Section 3, and that the proposed water-course should be formed, proper provision being made for the construction and maintenance of such additional works (mentioning them),

He shall make, subscribe, and record in his Office a memorandum to that effect.

Memorandum by Collector.

8. The Collector shall thereupon send the Canal Officer a copy under his hand of such memorandum.

Copy of Collector's memorandum to be sent to Canal Officer.

9. If the Canal Officer shall agree with the Collector that the water-course should be formed, and that no additional works connected therewith are needed, he shall proceed according to the provisions in such case contained in Section 14.

Procedure thereon when Canal Officer and Collector agree that water-course should be formed.

10. If he shall agree with the Collector that the water-course should not be formed, he shall give notice thereof to the applicant, and all proceedings shall thereupon be stayed.

When Canal Officer and Collector agree that the water-course should not be formed.

11. If the Canal Officer shall agree with the Collector that the water-course should be formed, proper provision being made for the construction and maintenance of the additional works mentioned in Section 7, he shall cause to be prepared at the expense of the applicant a memorandum and plan of the same works and shall record such memorandum and plan in his Office and shall forward to the Collector the plan and a copy of the memorandum.

When Canal Officer and Collector agree that the water-course should be formed, provision being made as to additional works.

12. If the Canal Officer disagree with the Collector's memorandum under Section 7, he shall submit the copy thereof sent to him under Section 8, together with a statement of his own reasons for such disagreement, through the head of his own Department, to the Commissioner of the Division. If the Commissioner agree with the Canal Officer, the Commissioner's decision on the points in dispute shall be final. If the Commissioner disagree with the Canal Officer, the whole case shall be referred to the final decision of the Local Government.

Procedure in case Collector and Canal Officer disagree.

13. Where the Collector is himself the Canal Officer, he shall forward to the Commissioner of the Division all petitions presented under Section 6, who shall then proceed in the same manner, and with the same powers, as if he were a Collector acting under Section 6; and in every such case Sections 7, 8, 9, 10, and 11 shall be read as if for the word "Collecter" the words "Commissioner of the Division" were substituted.

Procedure where Collector is himself Canal Officer.

14. At the expiration of thirty days from the giving of the notice mentioned in Section 5, if under the provisions hereinbefore contained it shall have been determined that the proposed water-course is to be formed, the Canal Officer shall enter upon the intervening lands and mark out the limits of the proposed water-course; and thereupon the Collector shall adjust the amount to be given as

Procedure after thirty days from the giving of notice under Section 5.

purchase-money, rent, and revenue or any of them for the right and as compensation for the injury respectively mentioned in Section 2. In making such adjustment the Collector shall follow the procedure and may exercise the powers prescribed for and conferred upon him by Act No. VI of 1857, Sections 4, 5, 6, and 7.

Collector to fix compensation.

15. The Collector shall then require the applicant to pay such amount (if any) as shall be payable at once, and, if the said Collector shall think fit, to deposit with him such security as he shall deem sufficient for the due payment of the rent and revenue (if any) aforesaid, and for the construction and maintenance of the works (if any) connected with the said water-course. And, on compliance with such requirement, the Collector shall authorise the applicant to take and enjoy the right aforesaid.

Collector to require applicant to pay purchase-money.

On payment, applicant to be authorised to take right.

16. On receiving such authority from the Collector, it shall be lawful for the applicant, with such workmen, cattle, and things as may be necessary, to enter upon the intervening lands and make the proposed water-course within the limits so marked out as aforesaid, and either to remove all or any of the clay, sand, gravel, and stones which shall be taken out of the said water-course, or to use all or any parts thereof in making the said water-course and the works connected therewith, and to use such water-course for the purpose of conveying water from the said public works of irrigation in the direction of and into his lands, mills, sewers, reservoirs or buildings as the case may be, at the place indicated in the plan mentioned in Section 3; and from time to time, with such workmen, cattle, and things as aforesaid, to enter upon the said intervening lands and inspect, repair, and cleanse the said water-course, and from time time for the purposes aforesaid to place upon the same lands and to remove such materials, machinery, and other things as he shall think fit.

Applicant may enter with workmen, &c.

17. It shall be lawful for the Local Government from time to time to prescribe rules, consistent with the provisions of this Act, upon all or any of the subjects next hereinafter mentioned (that is to say) :—

Power to Local Government to make rules.

(1.)—The formation of the water-course and the works (if any) connected therewith in a proper and workmanlike manner:

(2.)—The removal of the clay, sand, gravel, and stones excavated in the formation of the water-course and not used as aforesaid:

(3.)—The time for the completion of the water-course and the works (if any) connected therewith:

(4.)—The cleansing of the water-course and the maintenance and repair of the water-course and works (if any) connected therewith:

(5.)—The avoidance of unnecessary damage to the surface of the adjoining lands and the crops for the time being thereon and the compensation for such damage (if any):

(6.) The prevention of injury to the water-course and of interference with the flow of water through the same:

(7.) The making good of such injury and the restoration of the flow of water:

(8.) The adjustment of the rights in the water-course of the persons for whose benefit it is formed, or to whose benefit it may afterwards be extended:

(9.) In case the water-course be discontinued the conditions on which the owner of the intervening lands may enter upon the ground within its limits, and the conditions on which the persons mentioned in paragraph (8) of this Section may be discharged from the further payment of rent or revenue in respect of the water-course.

Such rules, when they shall have received the sanction of the Governor General of India in Council, and when they shall have been published in the Official Gazette, shall be read with and taken as part of this Act.

18. No suit shall lie in respect of the compulsory taking, prior to the passing of this Act, of any land for the formation of a private water-course for any of the purposes mentioned in the preamble to this Act. But in every such case it shall be lawful for the Collector, within one year from the passing or extension of this Act, on the application of the person from whom the land was so taken, his representatives or assigns, to adjust, in manner hereinbefore referred to, the amount to be given as purchase-money, rent or revenue for the said land; and on failure within thirty days after such adjustment shall have been notified to the person who shall have taken such land, his representative or assigns to pay the said purchase-money, or to give security to the satisfaction of the Collector, for the due payment of the said rent or revenue, the Collector may re-place the person from whom the land was so taken, his representatives or assigns, in possession of the land aforesaid. The Collector may also award to him or them such compensation as the Collector shall think fit for the injury (if any) done to such land by the formation of the water-course and the amount of such compensation may be recovered in such manner as the Local Government shall provide.

Bar of suits for the compulsory taking, prior to this Act, of land for private water-courses.

Procedure in such cases.

19. This Act applies to the Territories respectively under the Governments of the Lieutenant-Governor of the North-Western Provinces and the Lieutenant-Governor of the Punjab. But it may be extented, *mutatis mutandis*, to any other part of British India by an order of the Local Government notified in the Official Gazette; and from the date of any such extension so muuch of any Act, Regulation or Rule having the force of law which shall be in operation in the Territories to which such extension, shall been made as shall be inconsistent with this Act, or with any Rule prescribed by such Government pursuant to Section 17, shall cease to have effect in such Territories.

Present extent of Act.

Act may be extended.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information:—

THE INDIAN POST OFFICE ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

SECTION.

1. Commencement of Act. Short Title.
2. Interpretation Clause.
3. Repeal of Act No. XVII of 1854.
4. References to Act No. XVII of 1854 to be read as made to this Act.
5. Exclusive privilege of carrying letters vested in the Government of India.
6. Persons expressly forbidden to collect, carry or deliver letters.
7. Appointment of Officers for service of Post Office.

PART II.

Postage Rates.

8. Postage rates on letters.
9. Postage rates on newspapers.
10. Newspapers how to be sent by letter-post.
11. Newspapers when charged with letter-postage.
12. Proof-sheets.
13. Postage rates on books, packets of newspapers, &c.
14. Inland banghy postage.
15. Table of distances for calculation of banghy postage.
16. Where there is no banghy post, parcels, books, &c., may be carried by letter-post. Certificate.
17. Book packets and parcels not exceeding ten tolahs in weight to go by letter-post unless directed to be sent by banghy or book-packet post.
18. Ship postage on parcels.
19. Governor-General in Council may direct pre-payment of postage in all cases.
20. Governor-General in Council may alter the rates of postage.
21. Governor-General in Council may fix rates of steam postage.
22. Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.
23. Governor-General in Council may fix express postage rates.
24. Re-directed letters.

PART III.

Registered Letters.

25. Letters may be registered.
26. Governor-General in Council may declare in what cases registration shall be compulsory.

PART IV.

Re-delivered, Unpaid, Unclaimed, and Refused Letters.

27. Re-delivery of letters and other articles once put into the Post Office.

SECTION.

28. Postage on unpaid letters, &c., to be paid by the receiver.
29. Unclaimed letters how to be dealt with.
Unclaimed letters when sent to Post Master General's Office to be opened.
And returned in Dead Letter covers to senders.
Money, &c., found therein how disposed of.
30. Refused letters to be returned to posting office.

PART V.

Mails on board Inward and Outward-bound Vessels.

31. Commanders of inward-bound vessels carrying Mails how to proceed on arrival.
Penalty for disobeying directions in this Section.
32. Detention of letters on board inward-bound vessels.
33. Bounty-money.
34. Commanders of outward-bound vessels to receive Mails on board.

PART VI.

Postage Stamps.

35. Stamped letters to be considered as prepaid.
36. Postage stamps to be provided by Government.
37. Postage stamps to be under management of Officer appointed by Government.
38. Rules for guidance of vendors of postage stamps.
39. Penalty for breach of such rules.
40. Penalty for refusing to supply stamps.
41. Penalty for selling stamps for higher price than the value denoted thereby.

PART VII.

Offences against the Post Office.

42. Penalty for sending dangerous substance by post.
43. Penalty for making false certificate in order to defraud Post Office.
44. Penalty for detaining Mails or opening mail bags.
45. Penalty for retaining letters, &c., delivered by mistake.
46. Penalties for breach of privilege conferred by Section 5.
47. Penalty for neglect on the part of persons employed to carry Mails.
48. Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.
49. Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.
50. Penalty for preparing incorrectly, altering, or secreting documents, by persons employed in the Post Office.
51. Penalty for sending letters on which postage has not been paid or charged by persons employed in the Post Office.
52. Penalty for abetting or concealing offences under this Act.
53. Any person charged with offence punishable with fine only may be summarily convicted.

SECTION.

54. Conviction to be quashed on merits only. Form of conviction.
55. Magistrate may refer charge to his Assistant.
56. Fines how levied. Imprisonment if no sufficient distress, &c.
57. Share of fine to informer.
58. No proceedings for recovery of fines to be taken without an order.
59. Post Office servants committing offences in allied States.
60. Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.
61. Property sent by the post to be laid in the Post Master General.

PART VIII.

Miscellaneous.

62. Letters on Her Majesty's service, duly certified as such, how to be charged.
63. Governor-General in Council may frame rules.
64. District dawks.
65. Government not responsible for loss.

ACT No. XIV OF 1866.

An Act to amend the law for the management of the Post Office, for the regulation of the Duties of Postage, and for the punishment of offences against the Post Office.

Preamble.

WHEREAS it is expedient to amend the law for the management of the Post Office, for the regulation of the duties of postage, and for the punishment of offences against the Post Office; It is enacted as follows:—

PART I.

Preliminary.

Commencement of Act. Short title.

1. This Act shall come into operation on the first day of May 1866, and may be cited as "The Indian Post Office Act, 1866."

Interpretation Clause. "Criminal Court." "Fine." "Clubbed Packet." "Newspaper." "Mails."

2. In this Act—unless there be something repugnant in the subject on context—"Criminal Courtr-includes every Judge, Magirs trate, Justice of the Peace or Police Magistrate lawfully exercising jurisdictio" in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Newspaper" shall include any periodical publication published at regular intervals not exceeding thirty-one days: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of the mails; and "British India" includes the territories which are now or shall be vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India.)

"British India."

Repeal of Act No XVII of 1854.

3. Act No. XVII of 1854 is hereby repealed, except so far as it repeals the whole or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced befofe this Act shall come into operation.

References to Act No. XVII of 1854 to be read as made to this Act.

4. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

Exclusive privilege of carrying letters vested in the Government of India.

5. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say—

(1.) Letters sent by a private friend in his way journey or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2.) Letters solely concerning the affairs of the sender or receiver thereof sent by a messenger on purpose.

(3.) Letters solely concerning goods or other property sent either by sea or land to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters. But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Persons expressly forbidden to collect, carry or deliver letters.

6. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same although they shall not receive hire or reward for so doing, that is to say—

(1.) Common carriers of passengers or goods and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2.) Owners and Commanders of ships, steam boats or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents except letters solely concerning goods on board.

Appointment of Officers for service of Post Office.

7. For carrying on the service of the Post Office, it shall be lawful for the Governor-General of India in Council to appoint or to authorize the appointment of such Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor-General of India in Council may from time to time deem expedient.

PART II.

Postage Rates.

Postage rates on letters.

8. Wheresoever posts or postal communications are or shall be established by the Government of India postage, if pre-paid by a stamp or stamps as hereinafter provided, shall be charged by weight on letters transmitted by the letter-post by land, according to the following scale :—

On every lettter not exceeding a quarter of a tolah in weight,—six pie :

On every letter exceeding a quarter of a tolah and not exceeding half a tolah in weight,—one anna :

On every letter exceeding half a tolah and not exceeding one tolah in weight,—two annas :

And for every half tolah in weight above one tolah, one additional anna ; and every fraction of half a tolah above one tolah shall be charged as one additional half tolah.

Every article transmitted by the letter-post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

Postage rates on newspapers.

9. Wheresoever posts or postal communications are or shall be established by the Government of India postage on newspapers, transmitted by the letter-post by land, shall be charged by weight according to the following scale :—

On every newspaper not exceeding ten tolahs in weight,—one anna :

On every newspaper exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas :

And for every ten tolahs in weight above twenty tolahs, one additional anna ; and every fraction of ten tolahs shall be charged as ten additional tolahs.

An extra or supplement to any newspaper bearing the same date as the newspaper and transmitted therewith under the same cover shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers how to be sent by letter-post.

10. A newspaper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

(1.) It shall be without a cover, or in a short cover open at both ends :

(2.) There shall be no word printed on such newspaper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent sent, and the name and address of the sender.

(3.) There shall be no paper or thing enclosed in or with any such newspaper.

Newspapers when charged with letter-postage.

11. Any newspaper sent by the letter-post in respect of which the above conditions shall not be observed shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof-sheets.

12. Proof-sheets marked as such may be sent by the letter-post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender ; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Postage rates on books, packets of newspapers, &c.

13. Subject to such rules and conditions as the Governor-General of India in Council may from time to time direct, books, packets of newspapers and other articles, provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall be charged with the following rates of postage, without reference to the distance to which they may be carried :—

If not exceeding ten tolahs in weight,—one anna :

If exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas :

And for every ten tolahs in weight above twenty tolahs, one additional anna ; and every fraction of ten tolahs shall be charged as ten adittional tolahs.

If the postage chargeable on any such book or other article be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 14 of this Act.

Inland banghy postage.

14. Inland postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

For distances.		If not exceeding in weight							
		20 Tolahs.	50 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Not exceeding	... 300	0 4	0 8	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding	... 600	0 8	1 0	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding	... 900	0 12	1 8	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding	... 1,200	1 0	2 0	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding	... 1,200	1 4	2 8	3 12	7 8	11 4	15 0	18 12	22 8

Provided that no more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty rupees.

Table of distances for calculation of Banghy postage.

15. Banghy postage when chargeable by distance under Section 14 of this Act, shall be calculated and charged according to such Table of distances as shall be authorised from time to time for that purpose by the Governor-General of India in Council. And it shall be lawful for the Governor-General of India in Council to declare that the distances from or to Post Offices not entered in such Table shall, for the purposes of this Act, be regarded as presented by the distances shewn in the Table from or to the Post Offices nearest to them respectively. Each Post-Master General shall prepare from the aforesaid Table in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Where there is no banghy post parcels, books, &., may be carried by letter-post.

16. Where there is no banghy post established on any line of road, parcels books and other articles shall be received and transmitted by the letter-post and shall be charged with postage according to the scale in Section 13 or 14 of this Act, as the case may be, if it be certified in writing, on such parcel, book-packet or other article under the full signature and address of the sender, that it does not contain any letter or other written communication on which a higher rate of postage is chargeable under any Section of this Act.

Certificate.

If any such certificate be false, any such letter or other written communication contained in such certified parcel, book-packet or other article shall be charged with letter postage as if sent separately, and the sender shall be subject to the penalty hereinafter provided.

Book-packets and parcels not exceeding ten tolahs in weight to go by letter-post unless directed to be sent by banghy or book-packet post.

17. All book-packets and parcels not exceeding ten tolahs in weight, sent through the Post Office, shall be conveyed by letter-post, and be charged with letter postage, unless specially directed to be sent by banghy or book-packet post.

Ship postage on parcels.

18. On all parcels chargeable under Section 14 of this Act with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs in weight,—two annas :

On every parcel exceeding twenty tolahs but not exceeding forty tolahs in weight,—four annas :

On every parcel exceeding forty tolahs but not exceeding one hundred tolahs in weight,—eight annas :

And for every hundred tolahs in weight above one hundred tolahs,—eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by Her Majesty's Indian Post, partly by land and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Governor-General in Council may direct prepayment of postage in all cases.

19. It shall be lawful for the Governor-General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully pre-paid by means of a proper stamp or stamps; or that on all or any letters or other articles on which the postage shall not be fully pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor-General in Council may alter the rates of postage.

20. It shall be lawful for the Governor-General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 8 and 9 of this Act.

Governor-General in Council may fix rates of steam postage.

21. It shall be lawful for the Governor-General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British colony, or any Foreign country to or from any places in British India. The postage charged on any letter or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the Official Gazette of any Presidency, be recovered in the same manner as postage under this Act.

Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.

22. It shall be lawful for the Governor-General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea, or partly by sea and partly by land, from one part or place in India to another. It shall not not be necessary that such rates be uniform; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Governor-General in Council may fix express postage rates.

23. It shall be lawful for the Governor-General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, or from which it shall be forwarded, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and pre-paid by stamps